



# **Town of New Windsor**

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## **OFFICE OF THE PLANNING BOARD**

**WEDNESDAY - MARCH 10, 2004  
7:30 PM**

### **TENTATIVE AGENDA**

**CALL TO ORDER**

**ROLL CALL**

### **PUBLIC HEARINGS:**

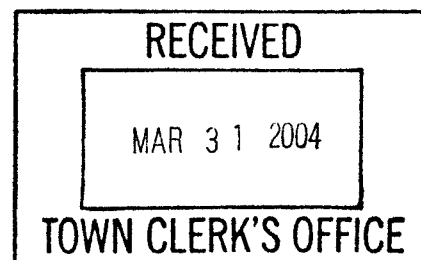
- 1. RPA ASSOCIATES - PATRIOT BLUFF SITE PLAN (01-65) UNION AVE & RT. 32 (SHAW) Proposed 96 condominium units.**
- 2. RPA ASSOCIATES - PATRIOT ESTATES SUBDIVISION (01-66) UNION AVE & RT. 32 (SHAW) Proposed 28 single-family homes.**

**DISCUSSION**

**ADJOURNMENT**

***THIS MEETING WILL BE HELD IN THE COMMUNITY CENTER (LOWER LEVEL OF BUILDING DIRECTLY BEHIND TOWN HALL).***

**(NEXT MEETING - MARCH 24, 2004)**



March 10, 2004

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TOWN OF NEW WINDSOR

PLANNING BOARD

MARCH 10, 2004

MEMBERS PRESENT: RON LANDER  
THOMAS KARNAVEZOS  
NEIL SCHLESINGER  
ERIC MASON

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

MYRA MASON  
PLANNING BOARD SECRETARY

ABSENT: JAMES PETRO, CHAIRMAN  
JERRY ARGENIO  
JIM BRESNAN

REGULAR MEETING

MR. LANDER: I'd like to call to order the March 10, 2004 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

RPA ASSOCIATES - PATRIOT ESTATES SUBDIVISION (01-66)

MR. LANDER: First on the agenda tonight is the RPA Associates Patriot Estates Subdivision on Union Avenue and Route 32, proposed 28 single family homes. Let me read for you tonight guidelines for the public hearing. Comments or concerns should be made to the board, not to the applicant or the applicant's engineer. The proposal of tonight's meeting is to receive input from the public, not necessarily to provide answers to questions or concerns at this time. We ask that speakers not repeat questions or comments that may have already been placed on the record but rather go on record stating that you may agree or disagree with a previous comment. We ask that each person only speak once giving everyone an opportunity to participate. At the end, we may decide to permit follow-up comments from the previous speakers. Now we will have Mr. Shaw give his presentation.

MR. SHAW: Thank you. For the record, my name is Greg Shaw and I'm with Shaw Engineering representing RPA Associates, LLC tonight. The application that's before the board in the first part of this public hearing is for a realty subdivision. The subject parcel is 55 acres located PUD zone which is a result of a special permit which was granted by the Town Board in approximately 1990, 1991. We're proposing to subdivide this parcel into 29 lots, 28 lots which will be used for single family detached housing and the remaining lot will be used for the Patriot Bluff subdivision which will be the second part of this public hearing. For those familiar with this site, the two parcels are separated by the 150 foot wide easement to Central Hudson gas. The westerly portion of the single family section also abuts the Cantonment and if you note on the subdivision plans we're proposing a 50 foot wide conservation easement in this area, so as not to disturb the Cantonment property or that 50 foot buffer area.

The lots will have a minimum size of 15,000 square feet. The lots will vary in size from the 15,000 square feet which is a net area after deduction of wetlands and such to a maximum of 290,000 square feet for the largest lot. Access to the realty subdivision will be through the extension of Epiphany Drive. Again, those who are familiar, Epiphany Drive is presently under construction and in this area as shown on the plan there's a temporary cul-de-sac that was approved a couple years ago. We're proposing to extend Epiphany Drive from that cul-de-sac approximately 1,300 feet to the intersection of the Epiphany Drive extension and what's indicated on the plan as Road A and Road B. Along that route there will be connections from this drive to the athletic field of the Heritage Middle School, Patriot Bluff condos which is again going to be created by this subdivision and also to Park Hill Drive, consistent with the board's request, there will be sidewalks along one side of Epiphany Drive, as there is on Epiphany Drive presently, so that this whole network system will allow pedestrian access. The roads, that being Epiphany Drive and all the roads of the subdivision will be built according to the specifications of the Town of New Windsor and will be dedicated to the Town of New Windsor upon construction. The road slopes will vary from a minimum of 1 percent to 12 percent, while the 12 percent exceeds the 10% limitation of the Town of New Windsor with respect to road slopes, we have received a waiver from the Town of New Windsor for this short section of a 10% slope. The extension of Epiphany Drive will cross Federal fresh water wetlands approximately 400 lineal feet of roadway, we have made numerous submissions to the Army Corps of Engineers, we believe we are close to obtaining a permit and we hope to receive it shortly.

Water for the subdivision will be provided by the Town of New Windsor. There will be a connection made to the water main that will be on Epiphany Drive and also a connection to the water system at the

cul-de-sac of Park Hill Drive. With respect to sanitary sewers, there will be one connection to the Town of New Windsor sewer system then providing the service and capacity for the 28 lots have been purchased from the Moodna Creek Development which owns capacity at the New Windsor Sewage Treatment Plant.

Finally, with respect to the storm drainage system, we're proposing an on-site collection system and two water quality storm water detention ponds, one pond is going to be located along the eastern boundary of the parcel and the second pond is going to be located along the southerly parcel of the boundary. Each pond will be on a separate lot and that lot is part of a drainage district and upon it's successful construction will be offered for a dedication again to the Town of New Windsor. That's a brief overview of the project. Thank you very much.

MR. LANDER: Thank you, Mr. Shaw. We're going to open it up to the public. You have to raise your hand come forward and we have a sign-in sheet for your name and address please. For the record, I will read this in. That on the 16th day of February, 2004 I prepared 14 addressed envelopes that were sent out.

MS. GRANT: My name is Drayton Grant and I'm an attorney up in Rhinebeck from the firm of Grant and Lions. We do environmental and land use law. And I am here tonight representing the Park Hill homeowners. I also represent not tonight many Planning Boards up and down the valley and other governmental agencies who find themselves as lead agent as you are tonight. And I'm here tonight to talk about the old EIS that is in your possession and--

MR. LANDER: Let me just interrupt you for a minute. We're really here to try to get questions, I will let you continue but that's actually we're here for information from the public.

MS. GRANT: I understand.

MR. LANDER: That's okay, all we want is a question, that's all, but I will let you continue.

MS. GRANT: I hope this will be hopeful to you and Mr., pardon me, is it Krieger, will advise you anyway. I want to talk about the fundamental piece of the State Environmental Quality Review Act because it still applies tonight even though there's an old EIS, there's still a separate requirement for you under SEQRA to take a hard look as you review this project, certainly you can start from the old EIS, that's where you're going to start. But there is another piece to it that I want to propose to you tonight. And that is something called a Supplemental Environmental Impact Statement, I think it's a useful tool for your board and the reason I think it ought to be thought about tonight is that the old EIS was done in a different time using different standards of expectations in environmental review than apply today. A Supplemental Environmental Impact Statement, what is that? Well, supplement, you got that part, it's used to address and this comes from the regulations and I'll leave the citation for your counsel, significant adverse environmental impacts that are not addressed or that are inadequately addressed in the old EIS. And the reason that you would look at these again would be from changes in the proposed project, newly discovered evidence or changes in the circumstances which I think is part of what's happening here.

If you find newly discovered evidence, criteria as to whether or not to reopen the Environmental Impact Statement and require this supplement would be the importance and the relevance of the facts and the present state of the information in the EIS. I know that the EIS runs the gamut but this is an old one and it wasn't very rigorous when done the first time. I want to hold your attention for two recent cases that where Supplemental Environmental Impact Statements were

the reason why a local government didn't have its decision sustained because I think they help explain what I'm trying to put some meat, some ideas, some facts in behind this. The two cases are and I will now that I will get your card and provide this both to the applicant and the Town attorney, the two cases are one from the Town of Oyster Bay in the year 2000 called Naramous (phonetic), the town was rezoning 81 acres and they were relying on a ten year old EIS and the court said that the town failed to consider whether the passage of time had created new environmental concerns and failed to consider whether the adverse effects that were identified in the old EIS could be minimized or had be minimized. Here a 50 foot buffer may have sounded pretty good to protect a national historic destination in the time of the writing of this EIS, whether it still seems like that to you today is something you really have to think of all over, the court found that the potential impacts in that case in Oyster Bay on water use and quality, the loss of open space, those things had all changed in the ten years in between. And they looked down, this is on Long Island, looking at the governmental designations that have come along in between something we've had some up here in the Hudson Valley as well. They were looking at the Long Island special ground water protection area which was a big deal and hadn't been a part of the understanding at the time of the old EIS. Here in the Hudson Valley, we have the Federal recognition of our American Heritage area, which is based in the very first instance on the history of the Revolutionary War and Cantonment comes right to the floor which the second case was a case called Riverkeeper versus the Planning Board of the Town of Southeast, a Supreme Court case in Westchester just this last year, it was a case that where the old EIS was from 1991 and the planning board was making decisions in the year 2001 or 2, it's not clear from the way he set out the facts and the Riverkeeper argued as they did in a letter to you I believe about this one that there have been many

changes in the intervening years and that it needed a supplemental EIS. And they went through many of these changes both in the size of the project and again in these governmental designations that began to really recognize what is so significant about some of our resources that we otherwise just took for granted and, you know, they're around us all the time, we just don't think about them, just keep going.

One of the points in the Town of Southeast was they had seen a lot of growth and they had traffic problems that had grown up and gotten worse between the time of the first EIS and the time the project was being reviewed, even though it wasn't anything the applicant did wrong in that period and the project had actually gotten smaller, this probably sounds familiar to Mr. Shaw, even so, the planning board didn't meet the hard look test because they hadn't gone back and gone over this and a Supplemental EIS would have kept them in the clear. So I'm not saying that an old EIS is automatically invalid, it is now probably automatically suspect and you need to take that new look. And in the process if you look at that and figure out even for the impacts it identified is the mitigation enough, so those are some areas where were you my planning board, I'd want to make sure that you had a good record as you go through it. And thank you very much.

MR. LANDER: Thank you.

MR. VALLETTA: Good evening, my name is Angelo Valletta, I live on Park Hill Drive, 53 Park Hill Drive. I have been there now almost 30 years. In our development at the moment we have many more than 28 homes and at times, the traffic just leaving Park Hill is very hard as it is, cause you've got the stop sign and you have the cars going up and down, some of them at 40 miles an hour, which is difficult to get out and there have been accidents there. I'm concerned about number one, you're talking about 28 homes going in



which means approximately sooner or later there will be times four in the family, we're talking approximately 112 more vehicles. I know in my area right now my home has four, people next to me have four, so on and so forth down the road. So we're not just talking one home one car one person, we're talking approximately four people. I see the new road that's going up there and I'm, what I'm concerned about is that people are going to do exactly what they did at Clarkview, Clarkview became a very big problem right off Union Avenue everybody, nobody wants to hit the lights, everybody wants to take the side roads and that's exactly what's going to happen here, our children are not going to be safe in the street. We all moved here from different areas for our children to have an area to play with, not only in our back yards, but also in the front of our streets because there's no traffic there, it's not the main streets, this will become a main street, main thoroughfare. I'm very concerned with that.

Also when I first moved here, I used to see a lot of the wild turkey, lot of deer, you see it a little bit now, but not as much as it was before. So I don't think we're really preserving the wildlife the way we should be preserving it. And what we're doing is we're becoming now cities, no more towns, no more suburbs, all right.

My other concern is also with the school districts, we're overcrowded in the schools now. Yes, we have people that move on to the high schools, junior high, but more and more people keep moving in and that's a big problem. So it isn't going to be a very safe thing for our children to be out in the street, it's going to cause a jam of cars going in and out, people will take the easy way out. All I see is Epiphany Drive, Park Hill Drive, I don't see not going out the other way, mainly because of the Cantonment or maybe somebody says it's hard to get out that way too because of the traffic that occurs at 5 o'clock but we have the same problem, it's really bad there. We have

only one entrance, one exit, this is not going to help us in Park Hill and I don't think it's really going to help the people who move there, it's going to just create a bigger problem for all of us. So basically, yes, that's--

MR. SCHLESINGER: I have a question for you. You mentioned that there are 28 homes, you mentioned that there were 28 homes at one time during the 30 years that you have been living there.

MR. VALLETTA: Well, actually, when I first moved into the cul-de-sac in that development, the older homes on Summit and Ona but then I moved in there, I was talking about the 28 homes that are going in now.

MR. SCHLESINGER: Do you know how many homes in your development?

MR. VALLETTA: I haven't sat down and counted but there are much more than 28 homes, there's many more homes there so when you take that and multiply that, we have a lot of cars in that development as it is, so this is a big problem. Thank you.

MR. SCHLESINGER: Thank you.

MR. VALLETTA: Between 140 and 160 homes.

MR. BEAUCHAMP: I used to be the last house on the street, Park Hill, and it's gotten worse every day and I mean that's the Indianapolis 500 coming down through there, they've got a stop sign on the corner, the school buses don't even stop, they go right through it, it's getting worse.

MR. SCHLESINGER: All I'm asking you to do is state your name, she has to have it for the records, it's a meeting.

MR. LANDER: Now you were saying?

MR. BEAUCHAMP: The school buses with that stop sign right there, they don't even stop, they go right through it.

MR. LANDER: Get the number of the bus, who owns it and turn them in, they're only a phone call away.

MR. BEAUCHAMP: I spoke to Meyers about it one day, he said we'll have a bike down there for the patrolman, I've seen it once in six months.

MR. LANDER: I haven't seen a bike in a long time, you're correct. Anything more?

MR. BEAUCHAMP: No, I better not get started.

MR. LANDER: We're yielding the floor to you.

MR. BEAUCHAMP: I'll be back.

MR. PYLE: My name is Lynn Pyle, I live on 11 Ona Lane, I've been here since 1968 and at one time, there were no developments on Summit in the back there, it was all motorcycle riding and so forth. At one point, Mr. Petro who built the developments was trying to get an easement to have a separate entrance through the back where they built the new houses across from Cimorelli Drive and he was never able to get that egress through that property. So we have wound up with everybody on Ona Lane and Summit and Park Hill all have to come out through the Park Hill entrance onto Union Avenue. And what I am wondering is if they do build this connection to Park Hill, will they put a sign like down here below the Town offices that says no through traffic? It's good enough for here, wouldn't it be good enough for Park Hill?

MR. LANDER: Absolutely, but the people wouldn't, they

don't obey the speed limit signs, let alone the traffic.

MR. PYLE: Stop signs every five and ten houses on Park Hill so people have to stop, they don't have to go 40 or 50 miles an hour like they did on Park View.

MR. LANDER: I think you'd have to go to the Town Board, that's something they handle, we don't handle that.

MR. PYLE: If that's something that becomes an eventuality and we have all this increased traffic coming up Park Hill Drive trying to cut through to go down to Route 32 instead of going down to the light, if they have to go through five stop signs, maybe they'll think twice about cutting through and they'll go the regular route. Is this a good possibility?

MR. LANDER: That's a good possibility, sure.

MR. PYLE: Sign that says no through traffic.

MR. LANDER: Next?

MR. FREER: I'm Robert Freer from Ona Lane. I wanted to basically echo a lot of the comments made previously about the access through Park Hill. I'm not sure whether I'm here to answer questions or take comments or both but I am fundamentally concerned with the access to Park Hill and not the developmental, though I don't like the idea of the development, I think we should leave a few trees in New Windsor. It's primarily a suburb and not a city and but I would like to know why the map has been changed from showing an emergency access through Park Hill to a full movement access which the current map says and I'd also like to know who's imposing this requirement to go through Park Hill, is it the Town of New Windsor, is it the developer or both?

MR. LANDER: I can answer that very simply, the Town of New Windsor being the supervisor, the police department the fire department, should I say the ambulance corps, we don't know who they are, but the ambulance corps, they need that and the highway department need the through access for safety reasons. The developer, he doesn't really want to put that through road in but--

MR. SCHLESINGER: Those are issues not necessarily addressed by this board, there's input by the police department, by the highway department, by the fire department that all has an input, just like you people are giving us input, what they feel is appropriate and safe. As far as why the plan was changed, perhaps Mark you could address that?

MR. EDSALL: It was pursuant to input from all the departments you listed and at a several meetings I believe the board had indicated that based on all the departmental concerns for safety that this board told them to show that as a full access connection.

MR. FREER: Despite the community opposition for putting access which everybody knows will be a primary cut-off from streets in the area, and will have much heavier traffic from just the local residents that has been changed and the reason why it has been changed is from the Town of New Windsor has required. And yet if I understand this map as it is there's already an access to the new development planned through Epiphany Road, why is it necessary to have that because according to this map, you have Road B through Park Hill and then have in close proximity you have an additional access the large road that you're putting in.

MR. LANDER: Can you show me that road coming from 32?

MR. SCHLESINGER: Talking about Epiphany Drive

extension and you're saying why.

MR. FREER: With this put in here, why is it necessary to go through Park Hill Drive?

MR. SCHLESINGER: As I said before, there's a lot of input from other departments and I can't--

MR. FREER: You're putting in a road and yet you're hurting the community who basically has lived there, I've lived for 33 years on Ona Lane and as far as I'm concerned, all you're basically doing you're sacrificing the interests of our community for the new development.

MR. SCHLESINGER: We can't answer for the fire department, the police department, the highway department but I can tell you that the things to take into consideration in your community you only have one means of ingress and egress, God forbid that there was a major, some type of a catastrophe that they would be able to accommodate your community and perhaps their answers were based upon that, they didn't feel that that was capable in the event of an emergency.

MR. FREER: Sounds to me like a basic runaround because our community has been opposed to the Park Hill access now it seems that nobody in this room wants to take credit or blame for that change.

MR. SCHLESINGER: This board is interested in what you have to say and that's why we're all here and we're not determining here anything tonight, all we're doing--

MR. FREER: Can you find anybody in the room that wants to put the cut-off through Park Hill?

MR. SCHLESINGER: That's why we're listening, we're listening to your comments and giving you the opportunity to give us very nice insight. We have

another letter here, these are all things that are going to be addressed by Andy or Mr. Crotty and the appropriate people that are supposed to address these issues.

MR. FREER: I wasn't sure whether you answered quite explicitly one of the questions was, the question was the changes from the emergency access which I assume would not encourage a lot of through traffic, has anybody got a reason why that was changed as opposed to who changed it?

MR. SCHLESINGER: Greg, do you know why?

MR. SHAW: Our initial proposal to the Town of New Windsor was emergency access, that's what the applicant thought would be appropriate, based upon that map and the meeting that took place between the highway superintendent, town engineer, the supervisor, the ambulance corps, police chief, they were concerned having only one way into Park Hill. Now there's an opportunity to correct it, if there's ever a vehicle accident on that one access into Park Hill, how do you get emergency vehicles in there? So when you ask me how did it get changed, that's how it got changed, it was requested by the Town Board that we make that change.

MR. FREER: So it's my understanding that the commercial developers primarily put in that emergency access in the initial phase of the planning and then it was subsequently changed?

MR. SHAW: Correct.

MR. FREER: I see, okay, anyway, thank you for your time.

MR. LANDER: But that's why it was changed. The planning board was all in favor of having a crash gate,

the only problem with a crash gate is in the winter time, it won't be plowed, so it's a seasonal crash gate, so they decided, this is the police department, fire department, they all decided, they had their meeting, came back to us and says we want a through road.

MR. FREER: Many of the developments in this area have only one access and you can basically drive through New Windsor any way you want because it has only one access and I would point out that if you continue to basically honeycomb New Windsor this way, we're going to have stop sign after stop sign which the legitimate drivers will slow down and stop and everybody else will ignore, I think this is a very bad idea to put an assess through Park Hill that extends all the way to the other road.

MR. LANDER: Thank you. Next?

MR. SORRIENTO: My name is Peter Sorriento. I live on Park Hill Drive. You're telling us this evening that Mr. Meyers and the Town Board are some of the people that are recommending that this be done? A while back when this project first came up, over 400 people sent letters to Mr. Meyers and the Town Board. The response was very quick, he did get back to us right away, it was not his decision to make, it's up to the planning board. Why is he now making the decisions on what's going to be done when we tried at the very beginning of this to do this amicably? You get together as a neighborhood, we're not against having neighbors, we wanted to live with our neighbors, whoever they might be so that we can all get along together. The same, under the same token, we sent letters through the attorney to the builder, asked if we can get together and meet, let's see if we can resolve this as a neighborhood. There was never a response received. I'd like to know why now all of a sudden the Town Board and Mr. Meyers has a decision on what's being done when



we approached him in the very beginning, it was not his concern, it was not his deal, it was the planning board, period.

MR. LANDER: I can't answer for Mr. Meyers, but I think that you should write the 400 letters back, write them again, ask him why he changed his mind. He's going to tell you it's for safety reasons, fire wants it, police department wants it to respond, if one of these, one of these roads is blocked by an accident, you can't get in. I've lived 37 years right across the street from Park Hill 37 years on the other side of Park Hill, I've seen numerous times that cars were up on Wilson's lawn on his wall, it's a dangerous, it was dangerous from when they first built it. So but this is all, this is all fire department, we're happy with a crash gate, this planning board was happy with a crash gate, fire department and the Town of New Windsor came back and told us it's going to be a through road for safety reasons. Now if you want to approach that, take your fight to the Town Board.

MR. VALLETTA: The Town Board supersedes the planning board or do they recommend?

MR. LANDER: No, safety, safety.

MR. VALLETTA: So they use the safety as the issue.

MR. BOSSERDET: Bill Bosserdet, it's very simple, I live on Summit Drive, real simple, you're up here as a planning board, I notice that Mr. Petro isn't here, this is the same gentleman--

MR. SCHLESINGER: Can I interrupt for a second? Mr. Petro excused himself from this meeting as a matter of ethics.

MR. BOSSERDET: You know why?

MR. SCHLESINGER: Because there could be a conflict as did Mr. Argenio, who also excused himself because it was a matter of ethics.

MR. BOSSERDET: Let's make sure it's a matter of record here because Mr. Petro is the gentleman who was on the planning board, chairman who traded a third of an acre for an acre of land to these same gentlemen, no disparage to you, sir, to get this project through. Now we came to this meeting, the last time we went to the ethics board and the ethics board told him that he should of recused himself, sat right here and watched Mr. Meyers, Mr. Petro get up and say well, I never signed a contract. Lawyer was standing with it right next to him and said by the way, here's the contract that you signed. Now we're all back here, we have, not only do we have crash gate gone, we have a road, we don't want the road, we never wanted the road. You can build as much as you want, that's your land, we're not saying anything about it, you get the environmental, you get the archeological, surveys, fine, build, we didn't want the road then, we don't want the road now.

MR. REGGERO: I have low vision, my wife is signing in for me before so I can talk.

MR. LANDER: I'd like to read this from the Town fire inspector, he's not here, he doesn't come to Planning Board meetings. Our review of the above-referenced subdivision plan was conducted on 3 June, 2002 with the following being noted. No water main lines are, hydrant locations are shown on the subdivision map, that's nothing. But the secondary access roadway to Park Hill Drive must be established, not just an emergency access route with the development of so many homes on the subdivision, two means of access is critical for the emergency services and the protection of the residents. That was, let's try it again. The secondary access roadway to Park Hill Drive must be established, not just on an emergency access route,

with the development of so many homes on this subdivision, two means of access is critical for the emergency services and the protection of these residents. And this was dated 3 June, 2002 so here the fire department he has it in here, the fire department supersedes the planning board, believe me.

MR. REGGERO: Frank Reggero. After 40 years of living up in Park Hill I finally hear the fire department's worried about me? When I first moved up into Ona Lane in the back was nothing but an old peach and apple orchard, nothing back there. Petro, Mr. Petro the senior Petro at that time owned that land. He presented to the board a beautiful layout of maybe 15 homes going back in the old orchard. Town Board turned him down, they said because it was only one access road out Park Hill unless he can put another one out they denied him. Guess what, two months later I got woken up out of my sleep and I hear the bulldozers going by the road, guess what, instead of 15 houses, there's 36 houses back there, no access road. The planning board evidently turned down Mr. Petro, a local man, and let some man from New Jersey buy the land to put them up without any access road. So I'm concerned. There was not too long ago they wanted to build houses down at the end of Ona Lane which would go out to Union Avenue, and we fought that because you said it would be another highway, well, to me, tonight I'm very skeptical, I don't know why I'm here because based on what I seen in the past, the way it operates in New Windsor, we're dead.

MR. OLSEN: My name is Rich Olsen, I live on Park Hill Drive. I want to give you a little bit of a fact but also you're taking corrections is correct, now, if I have studied all of this correct for the last year, this coincides with the Supplemental EIS and everything else. In the original plan done in 1988 or '89, the reference was made to the wildlife that when they started building down on the corner in front of the

college, they said that the animals would probably a lot would be killed but they would move to the undeveloped parts of the tract, that was in 1988. And the person that wrote that was Joel Herms, Region 3 and at that time, which is part of the, why that survey is completely out of whack, he only listed seven mammals, 18 species of birds in March, the wintertime, a test and a count like that should be done four times during the year because the wildlife changes. But my main question for this project is if you people grandfathered this in through all these companies and the animals down here were supposed to move to the uncut part, where are they supposed to go now? That's my question. Thank you.

MR. LANDER: I don't know where the deer go, same place as when they built your house, I don't know.

MR. ANDREWS: Kirk Andrews. If you look down by the Lionel bridge, there's a neighborhood over there with one entrance, no exit that could also have a cut through this project into that road and go right out there where there's no sharp corners or knolls or anything, you can see very well there, they should put the road into that neighborhood or maybe somebody lives there that has a little bit more pull in this town than we do or we're not greasing the right hands.

MS. RUFFINO: Joan Ruffino, Burrows Lane, I hope you can all hear me, you've got to speak up. Why aren't we having a building moratorium? I am so concerned. You're the only ones we hope will do something, we're allowing these developers to get rid of the woods, the environmental impact is terrible, the streets are awful. Yes, there are a lot of developments that have one access road and they were allowed. All of a sudden, you're making a fuss and wanting to have two access roads. We have a sewer moratorium, this project did not fall under that?

MR. KARNAVEZOS: No, water moratorium.

MS. RUFFINO: That's still in place?

MR. LANDER: Yes.

MS. RUFFINO: Is this development affected by that?

MR. LANDER: I believe it is.

MS. RUFFINO: When are we going to get a building moratorium?

MR. LANDER: They can't build until the water moratorium is lifted.

MS. RUFFINO: Did you hear that?

MR. LANDER: That's this right here what we're talking about tonight, we're not talking about what's going on down the hill.

MS. RUFFINO: That's already, yes, all right, how do we get a building moratorium? Do we have any--

MR. SCHLESINGER: Your point is very well taken and I side with you, but that is the Town Board, it is not the planning board issue and I don't mean to pass the buck, I don't mean to pass the buck, but if we're turning around and discussing the roads and the accesses and the fire department and the police department, that's what we're here for but we don't have any control or input--

MS. RUFFINO: Town Board--

MR. SCHLESINGER: That's the Town Board.

MS. RUFFINO: --arranges for moratoriums? Let's remember that, people, and let's try to get one.

MR. DANNY: My name is Steve Danny, 48 Park Hill Drive. Everybody's talking about these homes here, why don't we talk about these homes that are going to be, you don't even have this on this drawing. Do you have the other drawing?

MR. EDSALL: This public hearing is on this plan.

MR. DANNY: Let me speak. We have only these homes down here also that are going to have the same access coming in, all of these condos that are down here will be using this access exit, not just these homes, all of these, Park Hill Drive, we can put an exit onto Union Avenue right through by the school. I can't see why there's no reason they can put a road up through here that they can't put another one down through here back to 32. I'd also like to know there was a special variance, special permit that was authorized back in 1990, I'd like to know who authorized this permit and whose property it was that got the permit authorized?

MR. LANDER: What was the date again, 1990?

MR. DANNY: Was it 1990 the special permit was authorized?

MR. SHAW: There was a special permit granted I believe in 1990 and the applicant was Sky-Lom New Windsor Development Corporation, separate and distinct from the present applicant.

MR. SCHLESINGER: And that was for?

MR. SHAW: That was to allow a PUD, Planned Unit Development, to allow a mixture of residential office and commercial uses on one parcel of land.

MR. DANNY: Question, how big was that PUD and how large was that parcel of land and does that incorporate

the entire area that we live in and making a thoroughfare right out through Park Hill Drive?

MR. SHAW: That application included the retail parcel which is at the corner of Windsor Highway and Union Avenue, the condominium parcel immediately above it, the two parcels that are before this board tonight for a public hearing and the Heritage Middle School property. That was the limits of that property which received the special permit.

MR. DANNY: But I'd also like to know who owned the property at the time? Were they a member of the Town Board? And did anyone on the Town Board or involved in the construction of this development profit from this in any way?

MR. SCHLESINGER: From this development right now?

MR. DANNY: Any of this development now, the future or in the past?

MR. SHAW: Mr. Chairman, I was involved in the special permit and again, the applicant was Sky-Lom New Windsor Development Corporation, they were a partnership, a development partnership out of New York City. There was nobody that I knew had any relationship to the project in the Town of New Windsor and I believe after they owned it, they sold off a piece to the Newburgh School System for the school, then from there, it went to Marine Midland Bank I believe on a foreclosure. Now it's in the hands of the applicant.

MR. DANNY: I'm talking about prior to the developer who owned it, who bought the rights to permit and why?

MR. SHAW: I went back to 1990, I can't go back before that.

MR. DANNY: Prior to 1990, who owned it originally?

Because if we can get a development built at the end of Park Hill Drive when originally it was rejected by the Town Board according to this gentleman and 15 days later they're coming in with bulldozers, I want to know if it's the same scenario as it was then?

MR. LANDER: I don't know what year he was referring to the gentleman that was up here before that question, I can't answer but we can get you an answer for that.

MR. DANNY: Thank you.

MR. LANDER: That's why we're here, take your questions and then answer. You're all here about the through road, the traffic, wildlife, if anybody has anything new, you can come up and speak but if not, just sign your name to the, you don't have to speak, you can sign your name, it might, you know, speed things along.

MS. STUMPF: I signed my name but if they sign up their name and don't say anything, it shows that you attended?

MR. LANDER: It's about the through road, we go on record as saying that everybody is here for the through road. Can I see a show of hands for the through road? Against the through road? How many people for the through road? No one, we won't even raise our hands.

MS. STUMPF: My name is Jean Stumpf, I don't live in Park Hill. I read about it in the newspaper and I spoke to some community members and they told me about the meeting, so I came actually just to find out as a citizen to find out what was going on.

MR. SCHLESINGER: Where do you live?

MS. STUMPF: Hemmingway Drive, which is across the street closer to you. It's off Keats, it's Countryside Homes, I've been there 27 years. When I first read



about it in the newspaper, I read The Sentinel and the, all the local things and when I saw the development, I thought it was what you're building, what's being built already so and that has quite an impact, so I'm speaking now, I wasn't planning on speaking, just planning on finding out more information. But I'm real concerned about the big picture of our whole community because this building, all building but this particular building impacts this area. The traffic now in the morning I work in the school district and when I come out in the morning, so many school buses that sometimes I don't know what time I should leave. I live, it takes me seven minutes to get to where I work but I have to leave way earlier than that because sometimes I pull out, there's no light, I just have to wait, wait, wait, wait, wait and that's at 8 o'clock in the morning. Now, at between 4 and 6 if I go to Price Chopper on my way home, if I turn passed the Cantonment, it's a big mistake, you know, I have to come the other way. One day I forgot, I was at Blockbuster and I, my family was hungry. I hate to wait a really long time before I can get home. So we have really a big traffic problem without these homes, without those ones that are being built now, so I don't know, you know, I didn't study cause I wasn't planning on speaking, but if you add up all the homes that are already being built and now these homes, 28 homes and you say 100 condominiums, you were doing the math before, at least 200 more cars and you know that there's going to be young families that are going to be going to school which is the first--

MR. SCHLESINGER: Your issue is very well taken and I believe that another lady expressed the same point as you did also and your point is very well taken but it's not, it's not, it's not, it should not be directed towards us and there's a lot of people that want to speak and yeah, sure--

MS. STUMPF: First point is the traffic, the second

point are the schools, our schools are overcrowded.

MR. SCHLESINGER: Same issue, it's the same issue as the other lady said and you're directing it to the wrong party. We want to hear what everybody else has to say about this issue and we can't address that and it's not our department.

MS. STUMPF: What is your department?

MR. SCHLESINGER: We're here to address the issues that people are concerned about, the homes, whether it be environmental, means of access into their property, they want it, they don't want it, people held up their hands and we understand what you're trying to say. We want to hear what you have to say, but not the issues that are not related to tonight's meeting and not related to this board. And if you want, and if she had anything else to say, then say it, but the pertinent issues--

MS. GRANT: I would just advise you that in fact because your lead agency issues arising are overcrowding, traffic and schools they're all in your purview, so she should be allowed to speak.

MR. LANDER: You're right.

MS. STUMPF: I'll make it brief, but our schools are overcrowded right now. We read in The Sentinel that they're definitely going to build another school, add onto a school and our taxes are going to go way up, this has to do with adding more homes, you know, our taxes go up, we don't get more taxes or less industry comes in, so these, unless industry comes in, so we have, this is a big impact on schools, traffic and our environment which I definitely agree with this guy all the way when Epiphany was built into the school, how many deer were hit on that road? It was a hazard, 4 o'clock, again, twilight we were hitting deer, we were

going slow, the animals have nowhere to go. So I totally agree with that other guy and I will sit down.

MS. BRADY: My name is Theresa Brady, I agree with everything they said, so we won't go into that. I will try to get into a couple new things. The Cantonment get's buffer zone and that's great, I appreciate that. We're just wondering why we don't get a nice buffer zone where the people live? There was a traffic survey car on the corner about two weeks ago, guys were there, I was just kind of curious what the results of traffic survey may have been because I know my husband gets an extra cup of coffee because he has to leave at least 15 to 20 minutes early to get to his job on time, just to get out of our corner. So if we add more houses and more cars, I don't see how that's going to get lessened. And the third thing is that you said before that the Town wants it and here's people from the Town who are voicing their opinion, not once, not twice, but for the longest time from the onset of this that nobody had a problem really that you were developing, we did have a problem that we're losing land that should be kept with trees and animal life and things like that. We have no problem with getting new neighbors. But I'm just wondering that if the Town wants it and the people from the Town are sitting here, who is the Town that has no concern for the people who are voicing their opinions and concerns for their neighborhood?

MR. LANDER: Let me answer that question for you. The Town of New Windsor emergency services, that's who asked for this through road, as I stated before, the Town of New Windsor Fire Department, Police Department, they're the ones that asked for it.

MS. BRADY: But they didn't originally ask for it.

MR. ANDREWS: What's the police department, how are they going to make us safer with more traffic and stuff like that?

MR. LANDER: I don't think they're looking at it as more traffic, they're looking at that they can get there from Union Avenue.

MR. ANDREWS: They can have higher speed chases through our neighborhood maybe?

MR. LANDER: I'm not saying that either.

MR. LANDER: I think you've got to direct your question to the police department, they're the ones that are asking.

MR. ANDREWS: We're going in a circle, you know how it is.

MR. LANDER: We're not going in a circle. They asked for this.

MR. ANDREWS: First it was the fire, now it's the police, keep 'em scared and keep 'em stupid.

MS. BRADY: Then my question would be that the municipalities or the emergency services are more, are concerned now because of the increase that's going to go through Park Hill Drive?

MR. LANDER: I couldn't answer that for them, I don't know that.

MS. BRADY: Because before this, no one ever came around saying boy, we're really concerned about you guys being in here and we can't get to you.

MR. SIMROE: My name is Ted Simroe, Park Hill Drive, and there is a couple questions I have for the planning board. On the original plan and it still shows I believe on this plan that the developer has a right-of-way, connected right-of-way or Central Hudson

right-of-way that could be used, he owns the property, it's 50 foot wide easement and has the planning board considered having that road, that developer make that a road which will give you access into the new development? It would also help which isn't shown on that map that I think everybody just makes sure everybody is aware there's another condominium unit, not the one that's there that they're building now, but there's another one, an additional one that goes just below the project that they're showing right now, we're looking at about 300 condominium units. If you take a look and do an average of one and a half cars per unit, you're talking about 450 cars a day trying to get out one way or another, either out Park Hill or down the road.

I have a couple questions, number 1, has that been considered as a right-of-way? And number 2, if somebody could hold this up and I will give it to the planning board here in a minute, this is an aerial photograph of the area down here is the intersection of Union Avenue and Route 32, this is where the condos are going in right now, it's going to cross over this way, the next series of condos goes in here and the planning board what they're looking at now is the units up here, this is the right-of-way that they now purchased which goes right up through the center of it. I don't understand why that's not being considered, number 2, you take a look at this road, this road goes right up through the center of the development and why couldn't that be used as an access road? Mr. Petro owns that I believe. This is the area that's been developed right now, the next development is going to come in here, take all this area which is not shown on that plan and then finally, we get the development of 28 more units up here. The question is here's the right-of-way that they own, why can't that be used as an access for the entire area or this lower road here, which is, which goes directly in would completely service the entire area? I think also since this was shot early in the spring, you can take a look at all the green is trees

and vegetation, that's gone, that's gone, won't be there anymore. This is Park Hill up here, in case everybody wants to know, just want you to take a look at that, if you'd like. Thank you.

MR. VALLETTA: What I'd like to know is this from the board, you can answer yes or no. You said that the Town because of safety reasons pertaining to the road but we're all talking a lot about that and other things but we're talking about the road that means that you as a board have no say of recommendation to them or you do, yes or no?

MR. SCHLESINGER: It's on the other foot, they recommend to us, they turn around to us, the fire department or the police department or whoever it may be, we're talking about the same thing and they just like the letter that was read and they said that they're requiring and they give us their feedback.

MR. VALLETTA: I was glad that the letter was read because originally, we thought it was just for safety reasons, but the letter doesn't stipulate just safety reasons, it says so the flow of traffic, doesn't say the flow of traffic but it used the accesses. Second part is also concerning development. When I first moved here, I was a city kid, so I didn't know anything about a home, anything about property. I walked in my back yard and I stood there after I paid for it and it was Petro's property, there was bubbles coming up and then I find out later on there's underground springs. So the concern is with all the development going on and with everything going through cause I don't see it stopping, it's going to go through, it's just how much goes through. Then I'm concerned about the water flows too and what does it mean to us especially on that end because that end is very high water table, my driveway comes up sometimes maybe 4, 5 inches, sewer line is directly underneath the driveway, there's a few want to call it an easement of water comes down to the corner

of the property. But there's a lot of water back there and I'm concerned with that also.

The next thing I'd like to say is a statement everybody's mentioning Petro because we're all getting the feeling of conflict of interest here, all right, which is a big concern for every single person here and everybody within the United States, no matter where we live, because we know that money talks, the little people get nothing. And we know that also from Martha Stewart trying to make a little amount of money, now she's getting hurt really bad. So the point is if we don't speak out and if we don't have you bringing back what we say to the board cause I'm assuming this goes right to that board cause everything, main board, everything has to filter back to the main board and I hope they read all these things. Also concerned about the part that was brought up before about the 400 signatures that went to the Town. I see that we don't have a Town leader, we have a Gestapo, all right, I didn't know until tonight there were problems with the ambulance service that we don't even have that he locked the doors, I don't know why, maybe he has a good gripe. But it seems like my way or the highway and that's the wrong way. The people here we're the Town, we elect people, yes, we can say we won't be there the next time to push for those people, but in reality, things start to calm down a little bit, people step back. We need to really keep the fire burning and keep going, all right. But also in the same token, that's why we're bringing our concerns together over and over again because you're the body that's going to bring it one way, we're a body going to bring it another way. So thank you.

MS. FANINCAM: Louisa Fanincam, I live at 13 Sunrise Terrace. My husband and I came here to support you, we have been reading and following the issues and I have one concern. I know that this development gets over near the Cantonment and it's on land that I believe has historical relevance for the State of New York

regarding the Revolutionary War and I think that this Town and the citizens would like to know if that has been adequately researched and if we know for a fact because there have been artifacts found there, there have been graves found there and this is, doesn't fly with development unless I'm really like off the track. But I think that that is a very important fact here in New York State law, okay. So I would like to know and I think the rest of the citizens of new Windsor would like to know has this been adequately and sensibly researched to know that there are no Revolutionary War mementos, graves, parts of the sites on this land. Thank you.

MR. SHAW: Gentlemen, just a point of information, back in 1989, 1990, prior to the Town Board issuing the special permit, a Draft Environmental Impact Statement was prepared and the Final Environmental Impact Statement was prepared. Part of the scope of that document and each document is maybe about three inches thick was an archeological assessment of the property. So if you, if you're looking for particulars, I refer you to those two documents and yes, that work was done at that time prior to the issuance of the special permit by the Town Board.

MR. LANDER: This is an informal meeting, nothing is going to be voted on tonight, nothing is going to be decided tonight. It's all information.

MR. LANDER: My name is Paul Lander, I live at 47 Park Hill Drive. And I don't know if I'll ask anything new, but it's kind of from a different perspective. My kids were really interested in being here. I have a 9 year old and a 6 year old and their question was simple. Why are we going to lose the dead-end? We currently don't allow our children to ride the bike beyond the dead-end, we don't let them go into Ona. We don't let them go anywhere but basically up and down. Clearly, we will lose the dead-end. My children won't ride the



bikes. We'll have to pack the bikes up, go to a school, go to a park, it's not very convenient. Basically, that's why we're here is the tranquility, the quietness. Again, nothing against new neighbors, you know, bring 'em on, that's fine. We have other issues and those are for other fights. It's a simple request is why are we going to lose the dead-end? And they made a point as I walked out the door tonight to let them know first thing tomorrow what you decide. Obviously, there won't be a decision made but through the many voices that have spoken tonight, this is our one shot, this is our shot, whether we continue to repeat ourselves over and over and we apologize for that, but it's our right to do that and it comes down to that. We can't stop the development, the houses are going to go up, the trees are going to go down, it's just, you know, find an alternate plan for an access road. Some ideas have been brought to the table maybe you're aware of or not, we really really hope that you take them into consideration, try not to disturb what's there or what's left there. There was a lot of information shared today and I'm really proud to see neighbors, new neighbors, friends, people I don't even know and we welcome them and thank them, you know, do the right thing so my kids can ride their bikes up and down the street. Again, we'd appreciate that.

MS. BRADY: We all did buy our houses knowing that there's only one way in and one way out. We never even thought that there would be another way in or out. So we were all happy with that, that's one of the reasons that we bought where we bought. And that's what we like about it, all the little cul-de-sacs, we know there's lot lots of them but we're a whole little community, we have nothing against more little communities, but we just don't understand why ours has to attach to someone's else's at this point and make it even more congested when it doesn't need to be.

MR. SUPHAN: I'm Bob Suphan, I live on Ona Lane. I

would agree with everything that's been said tonight and they have said it a lot better than I could. I'd just like to raise one point that hasn't been brought up tonight, that is the size of Park Hill itself, it's a residential road as people have said, families live there, families with kids, it works well. Now when we drive down if a car's coming the other way, somebody's parked there in the street, we stop, we let our neighbor go by. If that's a cut through and get all these extra cars coming through, people aren't going to stop, you're going to need the access for the police and the fire and the ambulances because there's going to be accidents up and down there and I hope that you will consider that. Thank you.

MS. RUFFINO: Joan Ruffinio. I'm noticing that on 32 when a developer wants to sell land, they take all the trees down. Why do they do that before it's even leased out? Something's going to be built in Cornwall they don't allow that. Who do I have to go to to complain about that?

MR. LANDER: If somebody owns a piece of property on 32 or wherever they have the right to go on their own property, they can cut any tree down they want, they own those trees. I'm not in favor of that, believe me cause I like trees.

MS. RUFFINO: They just clear the land even before it's developed. They don't allow that in Cornwall.

MR. LANDER: Well, they might, I can't speak for Cornwall or against Cornwall, all I'm saying is that if it was your property and you wanted to cut the trees down, you have every right to go there and cut the trees down.

MS. RUFFINO: Well, could we get a law that says you can't do it unless--

MR. LANDER: Excuse me, once someone makes application, the developer or yourself makes application to the planning board, they can't touch that piece of property, they can't cut a tree down. And in fact, this project back in 1987 which was my first meeting here was specifically because the guy went in and clear cut that whole site, I think there was one tree left, maybe, I think Greg Shaw was involved in it in '87.

MR. EDSALL: That's Windsor Crest.

MR. LANDER: Well, that was next door, same thing, that project stopped, it started in '87, still not completed today only because they stopped the project, he went in and clear cut it. But if you make application to the planning board, you can't touch that property until you get approval from this board.

MS. RUFFINO: So it's a planning board issue?

MR. LANDER: Only if they make application. You can go on your property or person's property that owns it, that owner can go in there and cut every tree down he wants in New Windsor. Once they make application, if there's a lot of old growth trees, we try to save those trees, second growth they have to be able to build but that's, we do have a tree cutting policy in New Windsor.

MS. STUMPF: They can't cut any trees because they made application right now? Those areas are, they're not allowed to touch anything cause you haven't approved it yet?

MR. LANDER: That's right.

MS. STUMPF: I also would like to ask you to review all that she's taking down, the stenographer, because there's been a lot of questions where you said I don't know, I don't know because I don't know might not be

your area of expertise tonight, have to find out from the board or another person. But I would charge you with that responsibility to review the tapes and any time where anybody on that seat said I don't know, I think that you should find out and that should be published.

MR. LANDER: I think all these questions have been asked before, okay, we're going to review it again naturally and we're going to take all these questions and we're going to have answers for them.

MS. STUMPF: I'm worried that's why, I'm not attacking you but I'm worried I'm taking this all in and I'm really worried. That's a comment.

MR. DANNY: And if you make these decisions and get all these answers, how are we going to be informed? Do we have to read The Record or are you going to mail it to everybody in Park Hill? And I don't understand being that the police department is so concerned and fire department secondary access through Park Hill and Ona, why can't we just cut through where the school is? You don't have to cut down any trees.

MR. LANDER: Well, the school for one thing wouldn't let you on their property, they don't even want, on this plan, if you look at it, there's an access to the school property, we wanted to connect that to their parking lot. Can't be done, can't be done.

MR. DANNY: There's no secondary access?

MR. LANDER: They won't let that happen. Central Hudson's not going to let you put a road on there.

MR. DANNY: Well, they're cutting through Central Hudson to get to their property.

MR. LANDER: They're not going to give an easement.

MR. SIMROE: They have an easement.

MR. LANDER: Central Hudson has a power line easement.

MR. SIMROE: No, the developer has an easement, 50 foot easement so they can build what I said before they can build an access road directly off Union Avenue directly down and into the middle of that entire 150 unit condominium plus the 308 up on top or 28 on top and never touch Park Hill, is that correct?

MR. SHAW: Yeah, Central Hudson has an easement 150 feet wide over the parcel that, 150 feet is owned by the applicant, not by Central Hudson, it's privately zoned so the idea of taking--

MR. SIMROE: Excuse me, who owns that?

MR. SHAW: The applicant does.

MR. SIMROE: The people you're working for?

MR. SHAW: Correct.

MR. SIMROE: So they own that, it's not Central Hudson so it's just an easement, they own the property, is that correct?

MR. SHAW: If the proposal is to build a road in the 150 foot side right-of-way, I'm not sure what right Central Hudson has, what happens when you reach the end of the property, where do we go with it? It has to connect to a Town road somewhere. Are you going to extend it through Continental Manor? What happens if they say no?

MR. LANDER: I think they're saying come out on Union Avenue somewhere.

MR. SIMROE: You come out on Union Avenue.

MR. SHAW: Let me just enlighten that one more second, please. The idea you're proposing is to build a roadway in that 150 foot strip, okay, onto Union Avenue through the Newburgh School District, that's who owns the property.

MR. SCHLESINGER: Make yourself clear so Mr. Shaw can address it.

MR. SIMROE: I've been up here already. The right-of-way comes off here, comes up through here and runs all the way down here, that's the right-of-way that you're talking about. This is Union Avenue coming up this way, and here's Park Hill. Why do you have to go Park Hill? Why can't you just come straight down here? I know it's going to cost money because you're going to have to put in a road but you already on the property, you're not going to destroy anybody else, not going to take down any trees, not going to go through any wetland buffers, you can come right straight off here into this area which will service this area plus it will let all these people living in these unbuilt condos yet come on out and go on out that way.

MR. SHAW: The answer to that question is that right-of-way as it leaves our property is owned by the Newburgh School System.

MR. SIMROE: Talking about where?

MR. SHAW: This is the limits of our property, all right, this is the right-of-way on our property, this is the right-of-way on the school property, the school property will not sell a parcel of land to the private developer, I can say that for a fact.

MR. SIMROE: You have inside here you have a 50 foot easement already inside here, don't say that this is

somebody else's. You already, this is 150 foot wide but you're group here, RPA Associates already has a 50 foot easement which is more than adequate to build a road, a 50 foot easement that goes all the way on out, don't say that this is all school property, you've already got the easement.

MR. SHAW: No, we can't build the road because it's all Federal fresh water wetlands, we'd never get a permit. If you walked it, you better bring your boots with you because it's very deep.

MR. DANNY: I've been here before. You're cutting a road right through here, here's the power lines going right down through this here on the map that we have is wetlands, so if you can't go this way because of wetlands, how can you go this way even to build this development here because you're disturbing the wetlands going underneath the power lines.

MR. SHAW: We have a permit into the Army Corps of Engineers, we have a permit application into the Army Corps of Engineers to fill that roadway and I said before about 400 feet in length, all right. And major concern to the Corps is to minimize the amount of filling of the federal wetlands. It is for that portion of the road that rather than have a normal Town road cross-section with respect to the construction of the road, we have to put small retaining walls on each side again to minimize the disturbance of the filling of the wetlands, rather than have the embankment bleed over into the wetlands and disturb the additional land. When you deal with the Army Corps every square foot to them is important, that's their job. The 400 linear feet pales in comparison to the amount of wetlands that would be disturbed if you came through that existing right-of-way and that right-of-way was created when the PUD in 1990 was granted by the Town Board, that's when that right-of-way was established, but subsequent to establishing that right-of-way, the Army Corps and

Federal fresh water wetlands came in vogue and that prohibits the development of that right-of-way. I hope that answers your question.

MR. LANDER: One more question.

MS. STUMPF: Could you qualify you have a petition with the Army?

MR. SHAW: We have an application.

MS. STUMPF: So you have not been approved? You have applied for something?

MR. SHAW: We have an application in before the Army Corps of Engineers to obtain a permit to fill in their jurisdiction which is the Federal fresh water wetlands.

MR. DANNY: Okay, we have an application going in this way through these wetlands and anybody that's doing construction knows if they give you a ten foot width, you know, you're going to take 100 no water what anybody says and everything is going to be destroyed, this whole area back up here, if you look at the maps where these houses are built, essentially this one right here, this is all wetlands that's on the maps that we have. So this house is eliminated, this one and this one here, this whole section is essentially wetlands, so this is all wetlands, this is all wetlands and again if you're in construction, you're not going to snap a red line and say my bulldozer is only going to go this way.

MR. SCHLESINGER: I have to disagree with you, there are very stringent guidelines that are followed in this Town and if you strike a line, the line should be followed.

MR. DANNY: Yes, it should be followed.



MR. SCHLESINGER: And it is followed and it is inspected so in that aspect, I tend to disagree with you.

MR. DANNY: I have been in construction.

MR. SCHLESINGER: I understand and if you have any questions from Mr. Shaw who is the engineer for this, he will answer you and in his professional opinion, he will give you an opinion and that's the best we can do right now.

MR. DANNY: We're not saying, I'm making a statement, I believe that everything that's up through here approximately 100 feet wide including this will be destroyed, the wetlands will no longer exist, it will turn into a mud pit.

MR. SCHLESINGER: Can you address that?

MR. SHAW: Yes, I can, when the, one of the first steps in dealing with the Army Corps of Engineers is to give a delineation of the wetlands. What that means is you go out and their professional who flags the area as he sees the limits of the wetlands to send out the surveyor, the surveyor plots it on a plan, then you bring the Army Corps of Engineer up and they, and they walk that line. If they're satisfied with it, it stays where it is. If they want to move some of the flags cause they don't agree with the wetlands delineating, they move the flags, that's the official wetlands line. This plan reflects the limits of the wetlands line and while there's a small area in this corner which has wetlands on it, it does not extend up into the lots cause they will not let us develop a lot that has wetlands that will be disturbed by it, at least in this particular case. So the answer is yes, there is wetlands, certainly nowhere near the magnitude that this gentleman thinks there is.

MR. LANDER: Thank you.

MS. SHAPIRO: Hi, I'm Fran Shapiro and I live in New Windsor and I have also come to support all of you because I know what it is to try to support your home, the wetlands, the quality of life in New Windsor and we're having a very hard time doing it. It's my understanding that you are not allowed to build on Federal and State protected wetlands? This is my understanding. If it is incorrect what I am understanding, please tell me.

MR. SHAW: You need a permit.

MS. SHAPIRO: That means you have to get a permit from whom?

MR. SHAW: In this particular case, the U.S. Army Corps of Engineers.

MS. SHAPIRO: So at this point you don't have your permit?

MR. SHAW: We have an application in to them, they requested additional information from the applicant which we have provided and we're waiting for a response from the Corps.

MS. SHAPIRO: Why would you think or want to build on wetlands in an area that's already environmentally stressed with everything we have in the way of buildings, with all the homes that you've been approved to build, why would you want to cut these trees down that I saw near this gentleman's house recently with two of my friends, these beautiful trees that are cut down indiscriminately as you say? Because the owner wants to do what he can or she can? Why, why would you decide to not be satisfied with what you already are bringing into this community and need to go into wetlands and destroy natural habitation of fish or

birds or trees or rocks or whatever we have? Please, if you can answer that question for me because you know why my grandchildren asked me this question, they want to know Grandma, what is it going to be like? They're very concerned about the environmental impacts. So if you would, I would appreciate that answer. Thank you.

MR. SHAW: I'm not prepared to answer that, I really don't think it's germane to this public hearing.

MR. LANDER: All right, next?

MR. DUBALDI: Carmen Dubaldi, 3 Park Hill Drive. Mr. Chairman, I just want to ask a question. Has the final traffic study been completed on the project?

MR. LANDER: Mr. Shaw?

MR. SHAW: The traffic study of record is the traffic study that was generated back in 1990 prior to the issuance of the special permit. I believe there have been follow-up traffic counts and traffic reports which have been submitted to this board as part of the record.

MR. LANDER: Hasn't RPA, didn't they do a traffic study for the parcel down on 32 to include the condos, the townhouses and the single family houses?

MR. SHAW: Correct, I think if you can back into the record into the files of the board you'll see there's at least one traffic report that deals with the ultimate buildout of RPA's property.

MR. LANDER: That was within the recent--

MR. SHAW: Four years.

MR. LANDER: Wasn't from 1990?

MR. DUBALDI: What was the traffic study being done last week on Park Hill, was that with your organization?

MR. SHAW: I did not perform a traffic study, that may have been just trying to get some updated counts on the distribution of traffic at that intersection.

MR. DUBALDI: Okay.

MR. SHAW: But a report has not been prepared yet.

MR. DUBALDI: Has the highway department seen this update of traffic on Park Hill Drive?

MR. SHAW: No, it hasn't been prepared yet.

MR. DUBALDI: How can the, you said that the highway department has given approval to this to the planning board, they did not give a positive or negative recommendation?

MR. LANDER: What I did say was that the highway department wants to act, wants two accesses to that also.

MR. DUBALDI: But they have not given their approval yet?

MR. LANDER: No.

MR. DUBALDI: My last question is what is this planning board going to give to a traffic study that does show that there is going to be an increase of traffic on Park Hill Drive? And the other part of that is what increase does the traffic study show in terms of the people that are going to be cutting through from Route 32 to Union Avenue, has that been taken into consideration for the traffic study?

MR. LANDER: I'm sure with the traffic study it had been taken into consideration. I can't answer the specifics for you, but traffic study when it's complete will be for public record, anybody can take a look at it and I'm sure they took into account people coming from Union that there--

MR. DUBALDI: So we don't know what the final traffic study is then yet?

MR. EDSALL: There's information in the file now as to whether or not this board is going to ask for any additional information, again, they're listening, they may ask for more, but at this point, there's the original study the board asked that because there had been changes in the development from the time it was approved as the Sky-Lom PUD to the time the school district took over a portion the development of the retail changed in magnitude, the single family subdivision changed in magnitude, they asked the applicant to do a comparison of the traffic study that was originally prepared to the current conditions now current, might have been when this application was made, may not be today but they did ask for that, it's on record. And the conclusions are in that file. As to whether or not the Planning Board's going to ask for additional evaluations based on all this input, that's something that will happen after tonight's meeting.

MR. DUBALDI: Finally, can I just ask for a brief summary of what that traffic study showed in terms of how much more traffic was going to be coming out on Park Hill or how much traffic was going to be coming out at Epiphany or how much was going to be cutting through?

MR. LANDER: I don't think so, Carmen.

MR. EDSALL: It's information that's available and has been for many years.

MR. DUBALDI: Nobody really has looked at it yet, I meant the planning board hadn't addressed it yet?

MR. LANDER: Traffic study has been reviewed by Mr. Edsall's office, they had a consultant do the traffic study, if we think that we need another traffic study, which we hear tonight maybe we do need another one, we'll--

MS. STUMPF: I would make a motion that you request that a new traffic study because we said 1990 there was one and I think there was one a few years ago when the application was put in. When was the application put in?

MR. VALLETTA: If Mr. Edsall turned around and reviewed this already.

MR. LANDER: Mr. Edsall is the consulting engineer for the Town of New Windsor.

MR. VALLETTA: How come somebody can't tell us what it is?

MR. LANDER: You're dealing with specifics, I think turns, right turns, left turns we're not here to, we're here to take your questions. Okay?

MR. VALLETTA: Recommendation. Can we have a meeting to hear what that's all about?

MR. LANDER: It's a public record.

MR. VALLETTA: I understand that.

MR. EDSALL: The point is that, the point is that when a traffic study is requested, part of the benefit of a public hearing is that if there's something that's brought as a concern by the public that wasn't

addressed in the information we asked for, we can now go back and look at the study, make sure it was complete, if it wasn't complete, ask for more information, before this board reaches a conclusion. Do I have it memorized from several years ago, no, I don't, enough comes through this board that I can't memorize every document that's submitted. I don't think anyone in this audience could. The point being they made the comparison. My recollection is that the total impact of what was proposed in 1980 was greater than what's proposed now in 1990, I'm sorry, for the 1990 application had a greater impact even considering the increase in background traffic. So if we find that there are questions that you have asked that have not been addressed we'll ask for them to be supplemented in additional traffic studies that the board can--

MR. VALLETTA: I don't want to debate but I also am on a board and if a question came to me pertaining to one of those meetings, I might not know in detail everything, I disagree with you, I can't say everybody else, but I will know some of the facts that we talked about, especially if we're dealing with a project going up now. And these are the questions that are going to be raised. I mean, this is something that a normal person would turn around and I'm not saying you didn't or did do it, would turn around and review it knowing there's going to be a meeting and those questions are going to be asked. The answer to say that you can go look at it, you know, I take it with a grain of salt. I can go look at a lot of things, but it's easier if it's in a forum and sometimes people don't want it in a forum because it creates more questions and that's what this is supposed to be about.

MR. SCHLESINGER: Isn't your suggestion saying that these studies were made in 1990 or four years ago whatever it was and perhaps that a further study should be made, is that what your suggestion is? Well, that's what I'm hearing. That's what I'm hearing. I can't

give you information, I don't have the report in front of me. I can't answer you. But the thing that I am hearing from you people is that you want another hearing, you want another study to be made to update what was done four years ago or what was done 14 years ago and I hear you and I don't disagree with you.

MS. STUMPF: Will you ask for that study? We'd like you to make a commitment right now say we will ask for the study.

MR. SCHLESINGER: I think it's pertinent information, I live in this community, I've seen how its grown also I have questions about the schools like you do also and about the services that need to be made.

MS. STUMPF: But you're on the board, are you going to ask for another study?

MR. SCHLESINGER: I will recommend that the study for the traffic be reviewed and if the majority of the board feels that it needs to be updated at this time, then that will be my recommendation.

MS. STUMPF: On this thing it says where you're going to take questions, then you're going to have a discussion, so you're going to discuss and we're going to listen and then you're going to make--

MR. SCHLESINGER: No, we listen to your feedback and we react to your feedback.

MS. STUMPF: Are you going to have another meeting that we can come to or when are you going to make a decision and they know that they can't do any building until you make a decision, is that correct?

MR. SCHLESINGER: Well, there is a lot of reasons why they can't go ahead.



MS. STUMPF: You said they can't cut down any trees until a decision is made. I'd like to know if you have a timetable while you make a decision or not.

MR. LANDER: When the water moratorium is lifted, they can't do anything there until the water moratorium is lifted.

MS. STUMPF: And is that, is there any prognosis on that?

MR. LANDER: I don't know.

MS. STUMPF: Who's in charge of that.

MR. LANDER: The water department and the Town Board.

MR. DANNY: What's the requirements to lift the water restrictions?

MR. LANDER: They're updating the plant, they can't process enough water from the condition it's in, so they're updating the plant, that's an ongoing thing, could take year and a half, two years, who knows.

MR. DANNY: Just a follow-up to my question before cause I never got an answer. You're taking a lot of questions and I just want to know how are we going to get these answers? Please don't tell me it's going to be part of the Town record. How are we going to receive these answers? And after we receive the answers, can we have another Town Board meeting to discuss it?

MR. KRIEGER: There are a number of questions, it's not a simple matter of all these questions being answered at one meeting, it may take a number of meetings, it may take some time, they're going to be answered not all at once, but one at a time. There's no way of saying how many meetings that's going to take.

MR. LANDER: What do you think, Mark?

MR. EDSALL: All the issues are going to be discussed in public meetings and decisions will be made in public meetings. Public is always welcome to come to the meetings, they may not be public hearings but they're public meetings.

MR. LANDER: Did you hear that?

MR. DANNY: No.

MR. LANDER: Over the noise back there, Mr. Edsall?

MR. EDSALL: The board has the opportunity to hold a public hearing and then at some point close the public hearing. Following that, any discussions on the issues on supplemental reports that may be asked for just individual reviews of each issued individually will be done at public meetings. There's not going to be any closed door discussions, that doesn't happen, it's going to be at the meeting. It's public meeting, you can come to every one if you want, may not be a public hearing, you may have to listen and you may not be able to say I disagree with it, but it's a public meeting. Ultimately, any resolutions or any decisions may be memorialized in documents that are going to be available at the planning board office. Is everyone going to get a notice and a copy of everything, no, it's not done that way.

MR. DANNY: If we have a representative to receive it.

MR. EDSALL: The Town doesn't really get into a mailing routine. They mail for public hearings and all information is available. Sir, if you can let me give the answer, maybe you'd have the answer. All records will be on file at Town Hall. They're at the Planning Board's office. If a representative wants to go in and

go through them all, they're welcome to, as with every application, but will the Town get into a situation of mailing out copies of the all the records, that's not the way the Freedom of Information Act works.

MR. DANNY: Excuse me, that's not answering my question. We stated a number of questions here, we just want the answers.

MR. LANDER: As I stated at the meeting before we're fielding all your questions, we don't have the answers, we'll get them and they'll be part of the public record.

MR. DANNY: But this was a side step, I'm sorry.

MS. STUMPF: When is your next meeting? When is your next meeting?

MR. LANDER: Planning board meetings are the second and fourth Wednesday of every month, the second and fourth Wednesday.

MS. STUMPF: So the fourth of this month, the fourth Wednesday of this month you'll convene again?

MR. LANDER: That doesn't mean that this project is going to be on right away, you know, it could be it's going to take them a while if we ask for a new traffic study or if we ask them for archeological studies, you know.

MS. STUMPF: But we want to find out answers to the questions, we want to find out, we challenged you to find out these answers, we would like to find them out.

MR. LANDER: You'll have to come to the meeting when they're on the agenda and we'll have the answers for you at that time, you have to look on the bulletin board at Town Hall, we're not going to mail out

letters.

MS. STUMPF: Are you the Chairman?

MR. LANDER: No, I am not.

MS. STUMPF: You're in charge of this meeting?

MR. LANDER: Yes.

MS. STUMPF: Who's the Chairman?

MR. LANDER: James Petro is the Chairman of the Planning Board. All right, we've got somebody signing up, we have another public hearing right after this one, you know, so somebody should of brought coffee.

MR. DUBALDI: I wasn't done, I want to get back to the traffic study, I want to make sure I understand the traffic study has been completed, yes, and has been submitted to the Town and anybody can review it in the Planning Board's office, correct?

MR. EDSALL: Yes.

MR. DUBALDI: My question--

MR. LANDER: Study was done four years ago, yes.

MR. DUBALDI: My question is can anybody tell me without me going and taking a look what was the impact, what did the impact, what did it show? Did it show that it was going to be a significant impact? Cause some people told me that the traffic study was only going to be traffic going from I'll call it the new development and I'm sorry, the Park Hill development and that they really aren't going to take into any consideration of new traffic coming in from 32 to Union Avenue, I was told that there really wasn't going to be any traffic going through because of the configuration

of the roads, I was wondering if that was going to be part of the traffic study if it hasn't been done already?

MR. LANDER: Carmen, let's say this, probably going to ask for a new traffic study because now we have a through road, okay, before we had crash gate there wasn't a need for a traffic study.

MR. DUBALDI: Correct, that's my point.

MR. LANDER: There was for the whole project but it wasn't going--

MR. DUBALDI: My point is that when the traffic study was done, it was done on the premise that there was going to be a crash gate. Now that you have a through street, I think--

MR. LANDER: I'm agreeing with you.

MR. DUBALDI: Then I'll shut up and sit down cause that's what I want.

MR. LANDER: I'm only one member, I'm not even the Chairman or Vice Chairman so--

MR. BRZOZOWSKI: I didn't expect to speak, 13 Sunrise Terrace.

MR. EDSALL: I think Carmen in response to one of the issues you raised if I recall correctly I believe the supplemental information the board asked for asked that they look at both with the crash gate or with the through connection.

MR. DUBALDI: So it was done with both?

MR. EDSALL: I believe it was but again the whole intent of tonight is that when all the concerns are

listed, we can go back and make sure each one has been addressed and if it hasn't, we can recommend to the board that they consider adding evaluations to the record.

MR. DUBALDI: If I can just make one last comment. I'm very interested to see what type of cross through traffic the traffic study stated supposedly was going to go through there.

MR. EDSALL: I've got you down on that.

MR. DUBALDI: Thank you.

MR. BRZOZOWSKI: Paul Brzozowski, 13 Sunrise Terrace, number 37. I came in here to support everyone because of what's been happening in the Town, as we all know and I know you all are appointed, am I correct?

MR. LANDER: Yes.

MR. BRZOZOWSKI: There's a perception in this Town that you all are in favor of the developers, there's a perception that you all do what George Meyers wants. Now, it's not just me and I know that's probably not true, but there's this perception and I want to encourage you all as you can't possibly enjoy what has happened to this Town, unless I'm crazy, the developing, the haphazard developing that's happened in this Town is horrific just out by Vails Gate, try to make that stop light. Now, my question to you is let's go back to the artifacts here, should the artifacts be found on this land, should there be graves and artifacts found on this land, would that change the project?

MR. LANDER: You're not going to go out and throw a belt buckle, are you?

MR. BRZOZOWSKI: No, in your minds would it change the

project?

MR. LANDER: It would probably stop the project sure, they turned up a grave, sure, it's been done in New Windsor before.

MR. BRZOZOWSKI: I applaud you for being on the planning board, it's a hard job. But I'd like to ask this gentleman if the planning board gives you the okay, does that help you get the Army Corps of Engineers on your side?

MR. SHAW: No.

MR. BRZOZOWSKI: Thank you, that's all.

MS. SHAPIRO: When you speak of a traffic study, does that mean an Environmental Impact Study because I understand--

MR. LANDER: It's a traffic study.

MS. SHAPIRO: I understand that the Riverkeeper criticized the Town, is this correct? Because the Environmental Impact Study to my understanding was it in 1988 in 1988, this was a different Town, we didn't have this housing boom then and a lot has to be reconsidered about what has happened as Paul just said since that time. How can you do a building now based on a study done in 1988 without taking in the environmental impact the Town has already succumbed to.

MR. LANDER: Riverkeeper just submitted this, we received it on the 9th which was yesterday, so we didn't get a chance to read it.

MS. SHAPIRO: Why don't you read it to the people? I think they would be very interested in hearing it. If you could stand and speak loud cause I'm having a hard time hearing you.

MR. LANDER: Okay, sure.

MS. STUMPF: We'd like you to read the letter like you read the other letter.

MR. LANDER: I'm going to read the first paragraph here, you can come on up and read it then I'm reading the first paragraph. You can read it, come on up here.

MR. SCHLESINGER: This letter basically--

MR. SIMROE: This letter was received March 9. It's originated March 5 to the Planning Board, Town of New Windsor. Re: Epiphany College, Patriot Bluff Estates Project. "Dear Sirs: We are writing on behalf of Riverkeeper to encourage you, as lead agency on the Epiphany College, Patriot Bluff Estates Project, to require the developers to prepare a Supplemental Environmental Impact Statement ("SEIS"). The current application before the Planning Board relies on an outdated and inadequate Environmental Impact Statement ("EIS") prepared in 1988. Under New York's State Environmental Quality Review Act ("SEQRA") the Board must take a hard look at the significant changes in the circumstances surrounding the proposed project and changes in project plans. Given the nature and extent of the changes, their relationship to the community's objections and the State's statutes, regulations and policies, it is incumbent upon the Board to prepare an SEIS.

In the intervening sixteen years, there have been dramatic shifts in the circumstances surrounding the project--changes which should trigger the need for an SEIS. First, Orange County has experienced an eleven percent increase in population from 1990 to 2000 according to figures obtained from the U.S. Census Bureau. This had led to uncontrolled sprawl growth and increased traffic countrywide and on Route 32. This project has the potential to exacerbate this problem.



Second, New Windsor's water and waste water infrastructure have been under increased strain, as evidenced by the Town's water moratoria and significant problems with the waste water treatment system. The waste water systems, in particular, may not respond well to increased flows from the proposed project. third, wildlife patterns and habitat values, which received substandard review in the original EIS need to be re-scrutinized. Some portions of the proposed site may have elevated habitat value, given the sprawl-forced loss of habitat countywide. In addition to changes in the circumstances surrounding the project, changes in the actual project may also trigger the need for an SEIS, including apparent plans to use Park Hill Drive as ingress-egress for the development.

To determine whether potential impacts will be significant and require further review, a lead agency such as the Planning Board must 1, identify the relevant areas of environmental concern. 2, take a hard look at them and 3, make a reasoned elaboration of the basis for its determination. See 6 NYCRR 617.7; see also *Jackson v. New York State Urban Development Corporation*, 67 N.Y. 2d 400, 494 N.E.2d 429, 436 (N.Y. 1986). The regulations effectuating SEQRA contemplate the preparation of an SEIS to address specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from a, changes proposed for the project, b, newly discovered information or c, a change in circumstances related to the project. See 6 N.Y.C.R.R. 617.9(a)(7)(i). A lead agency is required to take a hard look at the changes or new information to determine whether an SEIS is required. *Committee for Environmental Sound Dev.*, 737 N.Y.S.2d at 801; see also *Jackson* 67 N.Y.2d at 429. Where a SEIS is required it is subject to all procedures set forth in the SEQRA regulations. See 6 N.Y.C.R.R. 617.9(a)(7)(iii). A SEIS is required where the outstanding issues are at the heart of the environmental objections to the project...*Glen Head-Glenwood Landing Civic Council, Inc. v. Town of*

Oyster Bay, 453 N.Y.S.2d 732, 739, 88 A.D.2d 484, 495 2d Dept 1982).

In short, the Planning Board should exercise its authority to require a SEIS in light of the changes in the circumstances surrounding the project and to changes in the project itself. The 1988 EIS was prepared by a prior developer, envisions different development parameters, and is dramatically outdated. Therefore, the Planning Board should re-open the SEQR process to ensure that it takes required hard look at the proposed project. If you have any questions, please contact us at 845-424-4149 x230. Very truly yours, Basil Seggos, Legal Investigator."

MR. FREER: Robert Freer again. I wanted to know if you can request or require the applicant to come up with an alternative to the Park Hill Park Drive access because it seems to me we shouldn't have, the community has very specific opposition to that, we shouldn't be required to come up with an alternative. It seems to me that it would be in the community's interest if you had at least one alternative plan to decide on and I wondered if you could request or require that?

MR. LANDER: We can request that, yes, we can, yes, and we probably will. We'll let them look at other options, maybe they'll have to buy somebody's house.

MR. SORRIENTO: I know you've been hearing all the negative aspects of this proposal all evening long for the last two hours now and as the board it's your job to assess that and see whether or not this is good or bad for the community. Maybe we haven't gotten the opportunity to listen to somebody from Shaw or maybe even Mr. Perna himself or somebody from RPA, are they bringing some positive aspects to our community that we don't know about. If you're going to go that way, are there some positive aspects of the project that are going to outweigh the negatives? Maybe we're at the wrong point. Is this the forum for that to come out

anything that's positive about this?

MS. STUMPF: Maybe they can build another school right in the middle there.

MR. LANDER: Mr. Shaw, would you like to attack that?

MR. SHAW: Attack is a poor choice of words. I don't think I can respond to that. I don't think it's a question of every time a project comes into New Windsor you have to weigh the good versus the bad, whether there's enough positive contribution from the project versus what people may perceive to be a negative impact. It's all perception. What we do know is that he's developing this property as of right, he owns it, there are zoning laws in place to control how it is developed, it's getting developed in accordance with the Town Zoning Ordinance and this board is charged to make sure that those laws are followed, it's just that simple.

MR. LANDER: Okay.

MR. SORRIENTO: So then the board can make those decisions based on negative impacts as long as they're within the zoning laws?

MR. LANDER: We're always looking for negative impacts. We're never really looking for the positive side, we want to make sure they're, this planning board is not sitting here to say that he can or can't do this project, but how he does the project.

MR. SORRIENTO: The right thing for who?

MR. LANDER: For the Town of New Windsor, we can't tell him no, you can't do that.

MR. SORRIENTO: Last I knew we were the Town of New Windsor.

MR. LANDER: We are and he's listening to your comments.

MR. SORRIENTO: The people that are going to benefit are not the people of New Windsor nor is the builder.

MR. KARNAVEZOS: Every person in New Windsor that owns a piece of property as long as it falls within the zoning of that piece of property has a right to do by law what they want to do with that property. These people bought that property, they have the right the way it's zoned out to do it exactly how it is. And you have that same right too if you own 150 acres on Toleman Road, you have the right to subdivide it. We have, the Town Planning Board has adopted where we went from 18,000 square feet to now we're at two acres for lots, we're trying, we're not here to just develop New Windsor, what we're here for is everybody has a right to do with their property within the laws what they want to do with it. This is what New Windsor Fire Department, the police wanted and the highway.

MR. OLSEN: Rich Olsen again. I don't want to hear no more about this. We didn't have a chance to discuss this, this neighborhood and a thousand people on a petition have tried to discuss with the Town for a year and a half, we tried to discuss with those people, they won't even answer our attorney's letter. So don't give me this let's discuss this stuff anymore, we've tried, we've tried for over a year and a half.

MR. KARNAVEZOS: What did I just say?

MR. LANDER: Okay.

MS. STUMPF: Your job is to rule on the impact.

MR. VALLETTA: Have you ever tried to get out of Park Hill Drive from about 7:15 to 9 o'clock in the morning?

MR. LANDER: I only make a right, never make a left. You can't make lefts in New Windsor or anyplace else in the Town of Newburgh, I don't care where you go.

MR. BEAUCHAMP: There's no sign, not when the school buses are running you can't go anywhere.

MR. VALLETTA: That means we have a problem.

MS. STUMPF: It's this board's job to rule on the impact and it's a negative impact on the community, that's your job to rule against it, yes, and we can do whatever they want with the lands, not if it impacts environmentally, traffic, you have to take all these new reports into consideration. And if it's going to be negatively impacting our community all of us you live there too then it's your job with all due conscience to rule against it, that's your job. We're charging you, you're appointed and you need to take all this information and do for the community what you're supposed to do.

MR. LANDER: Thank you.

MS. RUFFINO: Who has the final say?

MR. LANDER: About what? Where the deer are going to go?

MS. MASARAS: Joan Masaras, I live at the beginning of Park Hill. All of a sudden, John Petro's got three or four other streets, how come that went through? When was the fire department, where was the fire department then, where was the ambulance corps, where was the police station when he built all these other things? Now that Jimmy Petro--

MR. LANDER: John Petro.

MS. MASARAS: He's in Florida.

MR. LANDER: Then it's a long distance phone call.

MS. MASARAS: I did when it happened I did 50 years ago, he's in Florida. Now that Jimmy owns it, anything goes.

MR. LANDER: Who owns it?

MS. MASARAS: Jimmy.

MR. PETRO: Owns what?

MS. MASARAS: Where you want to put the road.

MR. LANDER: No, he doesn't own that.

MR. DANNY: He did.

MR. LANDER: No, he did not, no, he didn't own that.

MS. FANINCAM: Louisa Fanincam again. I understand that one of the members of the board, excuse me for not knowing your name, the gentleman sitting on your left, yes, who was saying that it sounds like that obviously a new traffic study is maybe needed because they have been outdated, it sounds like also the suggestions from Riverkeeper might be something that the board should take into consideration. You're talking about Environmental Impact from 1988, I think that probably we would all agree that that's something that they may need to be revisited.

MR. LANDER: We're going to review all that, we need a motion to--

MR. SCHLESINGER: I'm going to make a motion to close this public hearing for the RPA Associates Patriot Bluff subdivision.

MR. KARNAVEZOS: Second it.

MR. LANDER: Motion has been made and seconded that we close the public hearing for the RPA Associates subdivision on Union Avenue.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. LANDER	AYE

MR. LANDER: For anybody that wants information, you're not going to get it at the Planning Board's office, you're going to have to go to the Town Clerk's office, request it in writing. Okay? Best we can do.

RPA ASSOCIATES - PATRIOT BLUFF SITE PLAN (01-65)

Mr. Gregory Shaw of Shaw Engineering appeared before the board.

MR. SHAW: Thank you, Mr. Chairman.

MR. LANDER: Greg, let me just introduce this here, on the 16 day of February, 2004, 14 addressed envelopes containing the public information were sent out. Okay.

MR. SHAW: Thank you, Mr. Chairman. I will try and be brief because it's getting rather late at night, I think we've covered a lot of ground already tonight. But the previous application that was the subdivision of the 55 acre parcel, one of the lots designated I believe as lot number 29 is 29.3 acres in size. We were proposing to construct on that parcel 96 multi, the 96 multi-family units, a condo project. It will have a road system which is 2,750 feet long which will be privately owned by the condo association, will not be dedicated to the Town of New Windsor and consistent with the Town of New Windsor road specifications will be 30 feet wide and have sidewalks on one side. There will be one connection and that will be to the Epiphany Drive extension and the internal road system will be that of a loop. The road slopes of the new roadway system will vary from a minimum of one percent to a maximum of 7 percent, which is well within the standards of the Town of New Windsor. There will be amenities on the site, there will be a clubhouse and there will be a pool area and which will not be considered an amenity, there will be five recycle centers distributed throughout the site. To accommodate visitors, there will be 64 parking spaces designated for visitors that will be above and beyond the parking spaces that will be for each unit as in one per each unit in its garage and a parking space in front of it. Water will be provided to the project by the Town of New Windsor water system and will be



connected to the 12 inch main on Ephiphany Drive, that water main will be owned and maintained by the condominium association. Sanitary sewer service will be provided by the Town. There will be two connections to the sanitary sewer main which will be a result of the subdivision immediately to the west of the project and the sanitary sewer lines will be owned and maintained again by the condo association other than the main trunk line which comes down from the subdivision and continues in an easterly direction. With the storm drainage system as in the previous application there will be two water quality storm water detention ponds that will service both the single family and the condo project. One is located up against Continental Manor on the south side of the property, the other is located up against the lands of Petro on the easterly side of the property. And these ponds will mitigate not only water quality issues but storm water discharges. And finally, included in the design set of drawings is an elaborate landscaping plan not only for general plantings throughout the condo site but also specific plantings around each and every residential building. So that, Mr. Chairman, is an overview of it and you can open it up to public comment if you wish. Thank you.

MR. LANDER: I'm going to open it up to the public right now on the Patriot Bluff site plan. Anybody have any questions? You'll have to step forward, state your name again.

MR. DANNY: Steve Danny. I'd like to know where the secondary access for this is going to be? Does it go through the new homes that are proposed and back through Park Hill Drive? And what's with the environmental protection? All the same questions from before. I'm sorry, I'm just surprised that everybody's gone because I didn't realize this was part two of the same subject.

MR. LANDER: Well, it is of the same piece of property, it's the site plan for the townhouses here or condos, whatever they may be.

MR. SHAW: Condominiums.

MR. LANDER: Now your question is where is their secondary access? There is none. It's going to be Epiphany Drive extension, this will be a loop around, come right back out, they have to come down to 32 at this point in time.

MR. DANNY: Excuse me. May I ask a question? Is it they're coming this way, what's going to stop them?

MR. LANDER: They can't go that way.

MR. DANNY: Why?

MR. LANDER: That's not built yet, we're talking about the site plan right here.

MR. DANNY: I'm concerned about--

MR. LANDER: I know what you're saying.

MR. SCHLESINGER: But that's a different directions. The other thing is Greg--

MR. SHAW: I'm not sure what the question is.

MR. SCHLESINGER: His question was is that in regards to our topic that we're talking about right now that the only means of access egress into the property is towards, is through the Epiphany Drive extension and out, however, I think this board and for your knowledge also is requiring that all roadwork be done prior to any sort of permits being given to you and that those will be non-bonded roadwork.

MR. SHAW: You're close. What the board basically said was they did not want this condo project developed with just one way in, that being Epiphany Drive. What they asked us to do is when we extended Epiphany Drive rather than stopping at the entrance into the condo project to continue in a westerly direction and make the connection into Park Hill Drive, specific for the purposes of getting emergency vehicles, not also in Park Hill but also in the condo project. But if you look at the plan, you'll see that with the condominiums is the extension of Epiphany Drive into the connection into Park Hill as you requested.

MR. SCHLESINGER: Did we open the door for you?

MR. DANNY: Yes, you did with that, I see which I was trying to say before, these homes here the private homes and the condos, the shortest way out of here and here will be straight down this road. I don't see anyone taking this route here.

MR. LANDER: Unless they're going to Shop Rite.

MR. DANNY: But this corner here will be so full of traffic due to the school, due to the lights that everyone in my opinion will go straight down Park Hill Drive. I'm asking that if this has to take place here that this is ended here and an alternate road from this development is developed to 32. Because right now, nothing is lost, take this out and put a new road in. And if I may, and again to follow up what I said before an alternate access exit for this development and maybe even this one here with the additional how many homes?

MR. LANDER: Twenty-eight.

MR. DANNY: Twenty-eight homes could have a separate exit which would give Park Hill Drive, Ona Lane whatever and this an exit, and it would keep this entire area segregated from this area.

MR. SCHLESINGER: You said that you were asking, you're suggesting?

MR. DANNY: I'm asking and suggesting.

MR. SCHLESINGER: You're suggesting and Mr. Shaw is the engineer and you could--

MR. DANNY: It's a twofold, it's a question and a suggestion.

MR. SCHLESINGER: Do you own any other property in the area that you can--

MR. SHAW: No, this is my client's entire holdings. One thing I may want to touch just with the board is that Epiphany Drive comes out onto New York State Route 32. We have had to do exhaustive traffic studies in preparation design documents in order to get a permit to bring that road out onto Windsor Highway. The applicant has invested probably in excess of a million dollars between the road widening and relocation of utilities at that intersection, I'm talking both along Windsor Highway and Union Avenue, all right, so with respect to any traffic that was perceived by the DOT it certainly, well, it's at least partially mitigated for sure by virtue of the fact of the improvements made at that intersection by my client.

MR. DANNY: Can I have a follow-up question? Did the board take into any consideration the road Park Hill Drive the amount of wear and tear that will occur on this and how often this road will have to be repaired? Also will Park Hill Drive also have to be widened taking property away from the homeowners to accommodate this all of this traffic when you would have to change the sewer lines, power lines, electric lines, every facility you have plus you probably have to put in additional stop signs and probably will, well, I spoke

to Petro something like 20 years ago to get speed bumps, he said it's no good because the plows couldn't do it and was any consideration to possibly putting, did you think that you might need a stop light at the corner?

MR. LANDER: At the intersection of Park Hill Drive and Union Avenue?

MR. DANNY: Yes because after the amount of traffic.

MR. LANDER: You'd have to go to the County with that but that's where you have to go, they're not too inclined to do these things, you can't go left.

MR. DANNY: Because everybody is shooting over the hill now we have all this traffic backed up and all these people coming around.

MR. LANDER: Speed limit's 40 and they do 50 and 60 so signs mean nothing. I live right over here and people--

MR. DANNY: I live right here and people come down here and just about hit this wall, they skid about 150 feet because they don't know that wall is there.

MR. SORRIENTO: Peter Sorriento again. In the interest of time and not having to repeat what we have already said and not having to listen to what was already said I think because if this is adjacent to the 28 lots we just talked about in the previous hearing, I'd like to just go on record opposing the same environmental issues, the traffic to this public hearing as we did in the first. And just another question related to the, you mention, Mr. Shaw, about the retaining basins and mitigating the water quality situation and drainage, what happens in the long run, does, when you find out that, you know, plans are great on paper, when buildings are up not always out in the field as an

engineer, you know that more than anybody things don't work out the way they planned it, what's the recourse for the homeowners when this goes through and now there's problems that didn't go as planned?

MR. SHAW: I don't necessarily agree that things don't work out as planned, all right, but just to run your scenario out, these basins are going to be dedicated in fee to the Town of New Windsor. There's going to be a drainage district formed, in fact, I think it very well may be formed encompassing all the property of RPA Associates and that's going to be the responsibility of the Town of New Windsor to maintain and repair any of those basins as necessary and charge just the residents and the property owners of RPA's property with that bill. So if one of the ponds needs work, New Windsor will go in, do the work, maybe contract it out and they'll pass the bill on to the homeowners of RPA's property.

MR. SORRIENTO: That portion's not dedicated to the Town?

MR. SHAW: Correct, only the basins will be dedicated to the Town and Epiphany Drive and Epiphany Drive and the road system, the condo association will be privately held as will the water, road system and water and sewer systems.

MR. LANDER: Does that answer your questions?

MR. SORRIENTO: Yeah, except that I don't agree with the fact that things go as planned.

MR. LANDER: Lot of times they do, lot of times they do. Mr. Shaw would like to think they do all the time because he makes the plans. And to answer your question maybe a little further that as the project proceeds, if there's a problem, Town of New Windsor steps in and says hey guys, this is not going to work,

we've got to think of an--

MR. SORRIENTO: In your professional opinion with what's going on considering what's already in the area, do you think that's going to help the drainage situation at the border of your new two developments there at the end of Park Hill Drive?

MR. SHAW: I really don't know what's going on in the area. What I can tell you is this, we have an obligation to mitigate the impacts that we recreate with the development of this property, when you take soil which has top soil and absorbs water now you create pavement and roof areas which accelerates runoff, there's more water after development than before we capture the water, we put it in a pond, all right, and meets the New York State DEC standards and we let it bleed out of the pond very slowly so that the amount of water running off our property is no greater after development than prior to development. Now that all will be memorialized in the drainage report which will be reviewed by Mr. Edsall as the planning board engineer. But what other things are happening in the area is really not germane to this application, we have an obligation and these ponds meet that obligation.

MR. SORRIENTO: The elevation at the end of Park Hill now in relation to the proposed two properties, if I can still ask about the original one, how does the elevation related to, that's existing there now, is it higher or lower?

MR. SHAW: The elevation running through the Park Hill cul-de-sac is about 380 and if you go into our property about 75 feet we're 381, so I guess you could say it's relatively flat, maybe a foot higher at the end of the, as I said, 8 feet in.

MR. SORRIENTO: Is there any intention to build this up for the final grading of it?

MR. SHAW: I understand--

MR. SORRIENTO: For landscaping purposes?

MR. LANDER: Is that finished, finished grade?

MR. SHAW: That's finished grade so that's--

MR. LANDER: What Pete's getting at are we going to direct any water to Ona Lane?

MR. SHAW: No more than what's presently flowing there now. We have the stub road in, we have catch basins in this little piece of stub road to redirect the storm water back into this property.

MR. LANDER: So it is not going to head to Ona Lane, from what I'm hearing from Mr. Shaw it's going to run to these basins, not going to come down your road. Mr. Shaw, for my information, where is all the water going to end up on 32?

MR. SHAW: That's where it's going now.

MR. LANDER: Route 32.

MR. DANNY: It's going to be a lot more water, they're taking out all the trees, not going to be there to absorb it and just going to--

MR. LANDER: That's why they build the ponds, I don't like ponds, believe me I don't like ponds, but they're a necessity right now, stop that water because the people that are going to be feel the blunt are the ones that are on the other side of 32 downstream so--

MR. DANNY: Going right along my house some years ago they put in a four inch pipe when it rains it's about 2/3 full, it comes down from Ona Lane and the above



developments, that's one of about three I believe that cuts through and at the end of the cul-de-sac there isn't any and that fills up with water and I just don't see the ponds that they're proposing to accept that much volume of water.

MR. LANDER: They have to build them to accept it.

MR. SHAW: Town of New Windsor drainage regulations require in this particular case to detain a storm that has a return frequency of once every 50 years, which is a substantial storm a 50 year storm.

MR. LANDER: That's a storm that doesn't happen but every 50 years.

MR. DANNY: Which includes how many gallons, a million gallons?

MR. SHAW: Not represented as gallons, that's not how you do drainage.

MR. SORRIENTO: Based on averages of rainfall over a certain period of time, correct?

MR. SHAW: Based upon the average, no, what it is based upon is the amount of rainfall in inches over a 24 hour period that would occur once every 50 years, that's what it's based upon.

MR. DANNY: That's a 24 hour storm.

MR. SORRIENTO: That would be the peak 24 hour period within the last 50 years?

MR. SHAW: No, it has a probability of occurring once every 50 years it can happen back to back years but it has the probability of once every 50 years.

MR. DANNY: Does that also cover snow storm runoffs and

things of that nature?

MR. SHAW: When you hit a 50 year storm, it's usually a storm that occurs hurricane, flood, perfect example that was a hundred year storm, all right, but very rarely do you combine it, not that I know of, that you combine a storm with that much rainfall with that much snow melt, it's just not seasonably possible.

MR. SORRIENTO: We've had two in the last two years where he had 50 degree days after a 22 inch snow fall, I'm only sayings it because I had six inches of water in the garage and that one foot of elevation of elevation 50 feet away from my property.

MR. LANDER: But I was going to say the roadway and the drive was and the roofs, not the roofs so much but the roadways, that water is going to be collected, it's going to head to 32 but the landscaping that's there, yeah, well probably there's one, two lots and we can bet that we can take a look at the drainage right there at the very end lot 1 and lot 21, all right.

MR. DANNY: We're going to have to put in storm sewers on 32 now and jack our taxes up or--

MR. LANDER: Anything that's done here these guys are picking up the bill.

MR. DANNY: Just asking and also before we were talking about the schools for those 23 homes here we're talking about a hundred and some odd condos which I believe will be Phase 2 of a bigger master plan cause I understand there's other drawings indicating more condos to be built in the future after these two are done, correct?

MR. LANDER: No, not here, not on this property.

MR. DANNY: Well, adjoining property.

MR. SCHLESINGER: That's private homes.

MR. DANNY: No, going east.

MR. LANDER: There's townhouses or condos, yes, they're on the board right now, yeah.

MR. DANNY: And my question is they brought up the question of schools before, they brought up the question of schools right now, as they said before, Newburgh, the schools are overburdened, right, as I see it right now, we're going to need an elementary school, a middle school and a high school from essentially day one to accommodate something like 1,500 students.

MR. LANDER: I think there's a letter sent to the Newburgh School System by the planning board or applicant wanting to know what the impact of the projects are on their school system. I don't know the answer whether it came back already or what, right, I know we used to send it out.

MR. EDSALL: I'm sure that they were one of the agencies that was contacted on the previous environmental review, I don't know the last time that they've looked at this.

MR. LANDER: We got a new subject?

MR. DANNY: Can I go just have one follow-up?

MR. LANDER: One, Steve, that's it, you're done for tonight.

MR. DANNY: As I understand the average family, the average family has 2 1/2 children and we're looking at this in the homes?

MR. LANDER: I think it's 285, what's the unit count,

not on both things, you know, this whole smear here?

MR. SHAW: I don't believe a unit count was ever done.

MR. LANDER: Let's say 200 for argument's sake or 300.

MR. DANNY: We're talking 6 or 700 kids immediately as soon as this development is completed, I don't believe that we're building these schools now to handle it and our taxes are going to have to be increased to handle this because I don't believe the taxes coming from these families will handle it.

MR. LANDER: Well, again, very good question, we'll take that into consideration for this application here. Thank you. You're done.

MR. SORRIENTO: I don't know, maybe I'm way off base on this but you're talking about drainage and runoff and flooding and the improvements that have already been made down on 32 by the developer, look at the corner of Union and 32 every time we have a heavy rainfall and they have already made the improvements so--

MR. LANDER: State highway.

MRS. SORRIENTO: Well, who did all the drainage?

MR. LANDER: I don't know who the contractor was who did the drainage, if I guessed, I'd be wrong if I did guess but that's state highway, county road.

MRS. SORRIENTO: Was it done for the developer or no?

MR. LANDER: The state would have to go after whoever did it and correct the problem, I think the problem stemmed from, I don't think you're referring to is that the top wasn't put on it yet so this water couldn't get to the basins, memory serves me right now, I don't see any water laying down at that corner.

MR. SHAW: There hasn't been for a while.

MR. LANDER: I know there was during all that construction there was muddy water and everything, I know what you're talking about but I think that's all been mitigated, that's all done.

MR. SHAW: It's been corrected since before the first of the year.

MR. SORRIENTO: As a representative of the Town, it's great to have a new client come into Town and they have to put in drains according to the specs for their property but as the Town, I mean, in conjunction with the surrounding areas, does the Town look at that same thing with the infrastructure for the water system?

MR. LANDER: We look downstream for this project, downstream study was made but a lot of the work, if I'm wrong tell me, Mark, lot of that work was done in the previous years downstream, okay. Now they started this project I don't know when, a year ago or so, a year and a half ago, but a lot of that problem is that we're crossing 32, the Town went in there, I don't know with whose money, maybe the taxpayers' money but went in there with grants and did all this work on downstream, so this applicant here didn't have to do that. I'm sure he didn't know that at the time, the Town didn't know that, you know, what was going to transpire cause he hadn't even started yet that was down on, it went through Schoonmaker, Spruce Street all the streets those people were getting killed, they went in there and did all that with grant money that was done prior to that but it was, this project did involve the downstream.

MR. SORRIENTO: Could you just make it a foot lower instead of a foot higher?

MR. LANDER: Let him talk to his boss. I'm sure that we can come up with a solution to that, to those two lots that are encountering that road. Is there a stone wall back there?

MRS. SORRIENTO: Yes.

MR. DANNY: I can show you where the stone wall is if you want.

MR. SORRIENTO: Well, if they left a buffer zone between there, they can put a nice drainage ditch through there.

MR. LANDER: We can ask for that. The only person they would have the problem with that, we usually do ask for buffer zones usually commercial applications that adjoin residential, so this is residential against residential, we could ask for it. No more comments.

MR. SCHLESINGER: Make a motion to close the public hearing of RPA Associates Patriot Bluff site plan.

MR. KARNAVEZOS: Second it.

MR. LANDER: Motion has been made and seconded that the New Windsor Planning Board that we close the public hearing for RPA Associates Patriot Bluff Site Plan.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. LANDER	AYE

MR. LANDER: Motion to adjourn.

MR. SCHLESINGER: So moved.

March 10, 2004

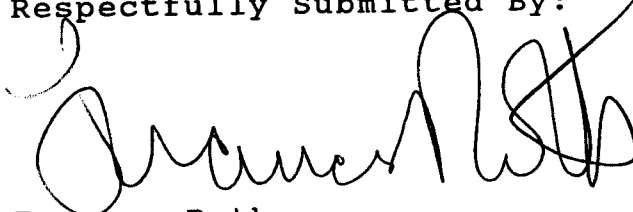
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MR. KARNAVEZOS: Second it.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. LANDER	AYE

Respectfully Submitted By:



Frances Roth  
Stenographer

(End time 10:30 p.m.)

3/26/04

# TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: PATRIOT ESTATES & PATRIOT BLUFF

DATE: MARCH 10, 2004

## SIGN-IN SHEET

1. Drayton Grant 145 Wartburg 876-2808  
 2. ~~\_\_\_\_\_ Road - Rhinebeck NY 12572~~  
 3. Angelo Valletta 53 Park Hill DR.  
 4. LYNN R. Ryle 11 ONA LANE 562-6008  
 5. BEAUCHAMPT 40 PARK HILL  
 6. Robert Freer 28 Ona Lane 569-9296  
 7. Peter Sorriento Sorriento 52 Park Hill 521-5477  
 8. Bill Bossard Bossard 565-1714  
 9. Frank Reggiero 6 Ona Lane 565-4453  
 10. RICH OLSEN 55 Park Hill 562-1672  
 11. Kirk Andrews 2 Ona  
 12. Joan Ruffino 315 Brimingham 562-5709  
 13. Steve DANNY 48 PARK HILL 565 8089  
 14. Jean Stumpf 336 Hemingway Dr. 562-2071  
 15. Theresa Brady 13 Pk Hill 565-3089  
 16. ~~Art McHargrett 54 PH Drive 561-8046~~  
 17. TED SIMCOE 28 PARK HILL 561-3583  
 18. Louisa Hopkinson Hopkinson 13 Swasey Terrace 569-9366  
 19. Dan J. Vander 47 Park Hill Dr 565-1437  
 20. Bob Suphan 30 Ona Lane 565-0367

Suphan



TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: PATRIOT ESTATES & PATRIOT BLUFF

DATE: MARCH 10, 2004

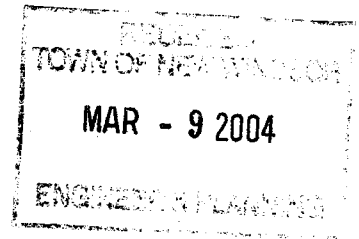
SIGN-IN SHEET

NAME

ADDRESS

PHONE NUMBER

1. Fran Shapiro
2. CARMEN R. DUBALIZ JR 562-8798
3. PAVL BRZDOWSKI 13 Sunrise NW, 569-9366
4. 13
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*Via Facsimile and First Class Mail*

March 5, 2004

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Re: Epiphany College—Patriot Bluff Estates Project SEIS

Dear Sirs:

We are writing on behalf of Riverkeeper to encourage you, as lead agency on the Epiphany College—Patriot Bluff Estates Project, to require the developers to prepare a Supplemental Environmental Impact Statement ("SEIS"). The current application before the Planning Board relies on an outdated and inadequate Environmental Impact Statement ("EIS") prepared in 1988. Under New York's State Environmental Quality Review Act ("SEQRA") the Board must take a "hard look," at the significant changes in the circumstances surrounding the proposed project and changes in project plans. Given the nature and extent of the changes, their relationship to the community's objections, and the State's statutes, regulations and policies, it is incumbent upon the Board to prepare a SEIS.

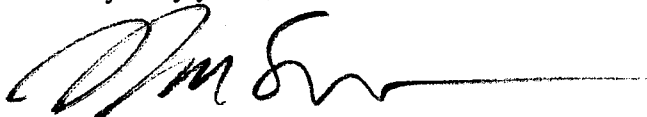
In the intervening sixteen years, there have been dramatic shifts in the circumstances surrounding the project—changes which should trigger the need for an SEIS. First, Orange County has experienced an eleven percent increase in population from 1990 to 2000, according to figures obtained from the U.S. Census Bureau. This has led to uncontrolled sprawl growth and increased traffic countywide, and on Route 32. This project has the potential to exacerbate this problem. Second, New Windsor's water and wastewater infrastructure have been under increased strain, as evidenced by the Town's water moratoria and significant problems with the wastewater treatment system. The wastewater systems, in particular, may not respond well to increased flows from the proposed project. Third, wildlife patterns and habitat values, which received substandard review in the original EIS, need to be re-scrutinized. Some portions of the proposed site may have elevated habitat value, given the sprawl-forced loss of habitat countywide. In addition to changes in the circumstances surrounding the project, changes in the actual project may also trigger the need for an SEIS, including apparent plans to use Park Hill Drive as ingress-egress for the development.

To determine whether potential impacts will be significant and require further review, a lead agency, such as the Planning Board, must (1) identify the relevant areas of environmental concern, (2) take a "hard look" at them, and (3) make a "reasoned elaboration" of the basis for its determination. See 6 NYCRR §617.7; see also Jackson v. New York State Urban Development

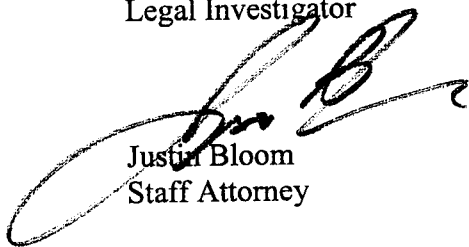
Corporation, 67 N.Y.2d 400, 417, 494 N.E.2d 429, 436 (N.Y. 1986). The regulations effectuating SEQRA contemplate the preparation of an SEIS to address "specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from (a) changes proposed for the project; (b) newly discovered information;<sup>[1]</sup> or (c) a change in circumstances related to the project." See 6 N.Y.C.R.R. § 617.9(a)(7)(i). A lead agency "is required to take a 'hard look' at the changes or new information" to determine whether an SEIS is required. Committee for Environmentally Sound Dev., 737 N.Y.S.2d at 801; see also Jackson, 67 N.Y.2d at 429. Where a SEIS is required, it is subject to all procedures set forth in the SEQRA regulations. See 6 N.Y.C.R.R. § 617.9(a)(7)(iii). A SEIS is required where the outstanding issues are "at the heart of the environmental objections to the project..." Glen Head—Glenwood Landing Civic Council, Inc. v. Town of Oyster Bay, 453 N.Y.S.2d 732, 739, 88 A.D.2d 484, 495 (2d Dept 1982).

In short, the Planning Board should exercise its authority to require a SEIS, in light of the changes in the circumstances surrounding the project and to changes in the project itself. The 1988 EIS was prepared by a prior developer, envisions different development parameters, and is dramatically outdated. Therefore, the Planning Board should re-open the SEQR process to ensure that it takes required "hard look" at the proposed project. If you have any questions, please contact us at 845-424-4149 x230.

Very truly yours,



Basil Seggos  
Legal Investigator



Justin Bloom  
Staff Attorney

<sup>1</sup> The SEQRA regulations further establish that in instances of "newly discovered information," the decision to require an SEIS must be based upon: "(a) the importance and relevance of the information; and (b) the present state of the information in the EIS." 6 N.Y.C.R.R. § 617.9(a)(7)(ii).